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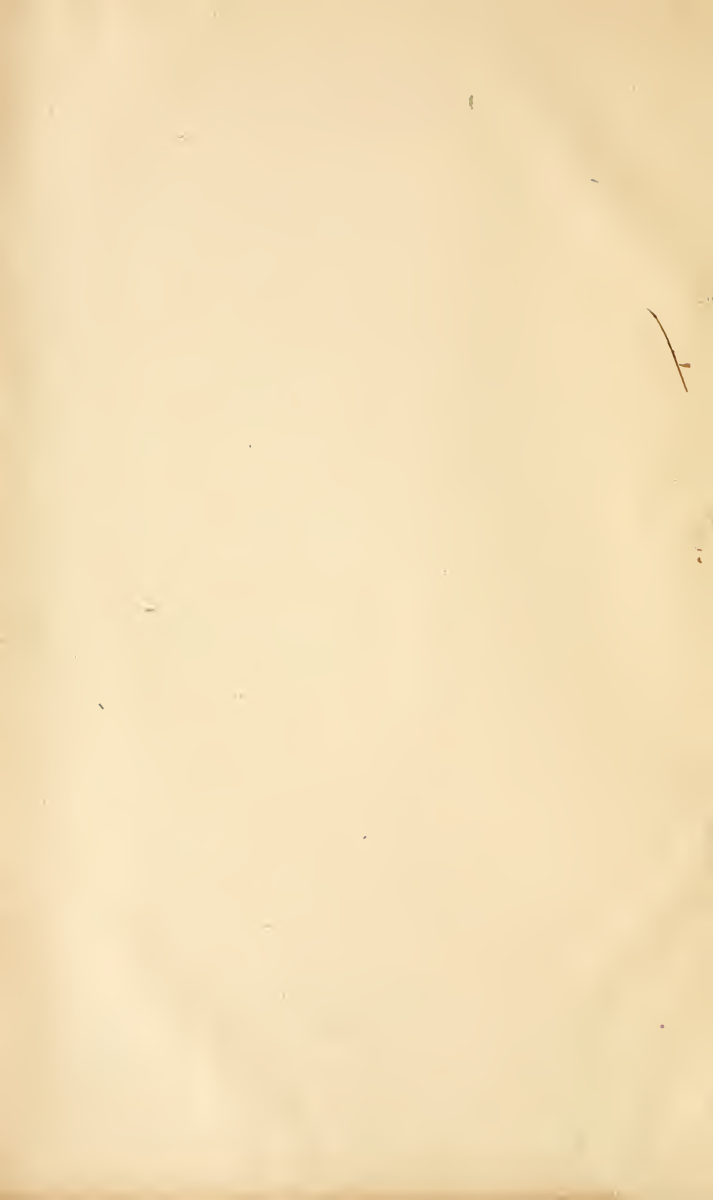
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GENERAL LAWS

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OF THE

STATE OF ILLINOIS,

PASSED BY THE

EIGHTEENTH GENERAL ASSEMBLY,

CONVENED JANUARY 3, 1853.

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# L A W S O F 1853.

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AN ACT for the assessment of property, and the collection of taxes, in  
counties adopting the township organization law.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all property, whether real or personal, in this state; all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of persons residing in this state, or used or controlled by persons residing in this state; the property of corporations now existing or hereafter created, and the property of all banks, or banking companies, now existing, or hereafter created, and of all bankers and brokers, except such property as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, or the value thereof, shall be entered on the list of taxable property, for that purpose, in the manner prescribed in this act.

Property subject  
to taxation.

## DEFINITIONS.

§ 2. The terms "real property" and "land," wherever used in this act, shall be held to mean and include not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but, also, all buildings, structures and improvements, and other fixtures, of whatsoever kind, thereon, and all rights and privileges belonging or in any wise pertaining thereto. The term "investments in bonds," wherever used in this act, shall be held to mean and include all moneys invested in bonds, of whatsoever kind, whether issued by incorporated or unincorporated companies, towns, cities, counties, states, or other corporations, or by the United States, held or controlled by persons residing in this state, whether for themselves, or as guardians, trustees or agents, on which the holder thereof is receiving or is entitled to receive interest. The term "investment in stocks," wherever used in this act,

Real property.

Investments in  
bonds.

Investments in  
stocks.

shall be held to mean and include all moneys invested in the public stocks of this or any other state, or of the United States, or in any association, corporation, joint-stock company, or otherwise, the stock or capital of which is or may be divided into shares, which are transferable by the owner, without the consent of the other partners or stockholders, for the taxation of which no special provision is made by this act, held by persons residing in this state, either for themselves, or as guardians, trustees, or agents. The term "oath," wherever used in this act, shall be held to mean oath or affirmation. Every word in this act importing the masculine gender, may extend and be applied to females as well as males. The term, "personal property," wherever used in this act, shall be held to mean and include every tangible thing, being the subject of ownership, whether animate or inanimate, other than money, and not forming part or any parcel of real property, as hereinbefore defined. The capital stock, undivided profits, and all other means, not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion, or interest in such stock, profits, or means, by whatsoever name they may be designated, inclusive of every share or portion, right, or interest, either legal or equitable, in and to every ship, vessel, or boat, of whatsoever name or description, used or designed to be used, either exclusively or partially, in navigating any of the waters within or bordering on this state, whether such ship, vessel, or boat, shall be within the jurisdiction of this state, or elsewhere, and whether the same shall have been enrolled, registered or licensed at any collector's office, or within any county or collector's district in this state or not. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin, and bank notes in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand. The term "credits," wherever used in this act, shall be held to mean and include every claim or demand for money, labor, or other valuable thing, due or to become due, or every annuity, or sum of money receivable at stated periods, and all money invested in property of any kind which is secured by deed, mortgage, or otherwise, which the person holding such deed, or mortgage, or evidence of claim, is bound by any lease, contract or agreement, to reconvey, release, or assign, upon the payment of any specific sum or sums: *Provided*, that pensions receivable from the United States, or from any state, salaries or payments expected to be received for labor or services to be performed or rendered, shall not be held to be annuities within the meaning of this act. The term "prop-

Oath.

Personal property.

Money.

Credits.

Pensions.

erty," wherever used in this act, shall be held to mean and include every tangible thing being the subject of ownership, whether animate or inanimate, real or personal. Term "property" defined.

#### PROPERTY EXEMPT FROM TAXATION.

§ 3. All property described in this section, to the extent herein limited, shall be exempt from taxation; that is to say— Exemption.

*First.* All lands donated for school purposes, and not sold or leased. All public school houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such building necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit. All colleges, academies; all endowments made for their support; all buildings connected with the same, and all lands connected with institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property, held under the authority of any college or university of learning. Schools, colleges, &c.

*Second.* All lands used exclusively as grave-yards, or grounds for burying the dead. Burial grounds.

*Third.* All government lands belonging to the United States, and all property, whether real or personal, belonging to this state, and all the swamp and overflowed lands belonging to the several counties of this state, so long as the same may remain unsold by such counties. Government and swamp lands.

*Fourth.* All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground on which such buildings are erected, not exceeding in any county ten acres. County property.

*Fifth.* All lands, houses, and other buildings belonging to any county, town, or city, used exclusively for the accommodation or the support of the poor. Alms houses.

*Sixth.* All buildings, with the furniture appertaining thereto, belonging to institutions of purely public charity, together with the lands actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions. Buildings of charitable institutions.

*Seventh.* All fire engines, and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meetings of fire companies, whether belonging to any town, or to any fire company organized therein. Fire apparatus.

*Eighth.* All market houses, public squares, or other public grounds, used exclusively for public purposes; and all works, machinery, and fixtures, belonging exclusively to any town or city, and used exclusively for conveying water to such town or city. Public grounds.

Personal credits.

Investments in  
joint stock co's.

Partnerships.

*Ninth.* No person shall be required to list a greater portion of any credits that he believes will be received or can be collected; nor any greater portion of any obligation given to secure the payment of rent, than the amount that shall have accrued on the lease, and shall remain unpaid at the time of such listing. No person shall be required to include in his statement, as a part of the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and property for taxation in this state, nor shall any partner be required to list or return any property, liability or supposed balance of said partnership due him, the property, effects, and credits of said partnership being listed by any other partner.

BY WHOM, WHERE, AND IN WHAT MANNER PROPERTY  
SHALL BE LISTED.

Property, how  
listed.

§ 4. Every person of full age and sound mind, not a married woman, shall list the real property of which he is the owner, situate in the town or district in which he resides, the personal property of which he is the owner, all moneys in his possession, money loaned or invested, and all other property of which he is the owner; and he shall also list all moneys invested, loaned, or otherwise controlled by him, as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited, subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic, whether in or out of such county. The property of every ward shall be listed by his guardian; of every minor child, idiot or lunatic, having no other guardian, by his father, if living, if not, by his mother, if living, and if neither father nor mother be living, by the person having such property in charge; of every wife, by her husband, if of sound mind, if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator; of corporations whose assets are in the hands of receivers, by such receivers; of every company, firm, body politic or corporate, by the president or principal accounting officer, partner, or agent thereof. Every person required to list property on behalf of others, by the provisions of this act, shall list it in the same county, town, or district in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying in each case the name of the person, estate, company or corporation to whom it belongs. Real



property shall be listed in the county, town, or district where it belongs; personal property, moneys, and credits, except such as is required to be listed otherwise, shall be listed in the county, town, or district where the owner resides; the property of banks or bankers, brokers, stock-jobbers, insurance or other companies, merchants, and manufacturers, shall be listed in the county, town or district where their business is usually done: *Provided*, that in the counties of the Military Tract owners of real estate shall not be compelled to return the same if they desire it go to sale, and so inform the assessor.

§ 5. Property held under a lease for a term exceeding ten years, belonging to the state, or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, and school and ministerial lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same, and shall be listed as such, by such person, or his agent, as in other cases.

§ 6. Each person required to list property, shall make out, sign and deliver to the assessor, when required, a certified statement of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, in his possession, or under the control of such person, which he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor. Personal property shall be listed with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

§ 7. Such statement shall truly and distinctly set forth:

*First.* The number of horses, and the value thereof.

*Second.* The number of neat cattle, and the value thereof.

*Third.* The number of mules and asses, and the value thereof.

*Fourth.* The number of sheep, and the value thereof.

*Fifth.* The number of hogs, and the value thereof.

*Sixth.* Every carriage and wagon, of whatsoever kind, and the value thereof.

*Seventh.* Every watch and clock, and the value thereof.

*Eighth.* Every piano forte, and the value thereof.

*Ninth.* The value of the goods and merchandise which such person is required to list as a merchant.

*Tenth.* The value of the property which such such person is required to list as a banker, broker or stock-jobber.

*Eleventh.* The value of materials and manufactured articles which such person is required to list as a manufacturer.

*Twelfth.* The value of moneys and credits required to be listed.

*Thirteenth.* The value of moneys invested in bonds, stocks, joint-stock companies, or otherwise, which such person is required to list.

*Fourteenth.* The total value of all other personal property, including household furniture: *Provided*, that the value of such property shall be determined by the assessor.

False or fraudulent statement.

§ 8. If any person shall give a false and fraudulent list, or shall refuse to deliver to the assessor, when called on for that purpose, a list of his or her taxable property, as required by law, the assessor, as a penalty therefor, shall assess the property of such person at double its value; and if said assessor shall neglect or refuse so to do, he shall be liable in each case to a penalty of fifty dollars, to be recovered at the suit of any person who may sue for the same.

When assessment too low, duty of assessor.

§ 9. If the assessor believes that any property has been valued at less than its true value, in accordance with the rules and customs of valuing property for taxation, he shall value and charge such property at its true value, and shall notify the person listing such property of such increased valuation.

#### RULES FOR VALUING PROPERTY.

Property, how valued.

§ 10. Each separate parcel of property shall be valued at its true value in money, excluding the value of crops growing thereon; but the price for which such real property would sell at a forced sale shall not be taken as the criterion of such value. Each tract or lot of real property belonging to this state, or to any county, city, town, or charitable institution, whether incorporated or unincorporated, and school or ministerial lands, held under lease for a term exceeding ten years, shall be valued at such price as the assessor believes could be obtained at private sale for such leasehold estate. Personal property of every description shall be valued at the usual selling price of similar property at the time of listing, and in the county where the same may then be; and if there be no usual selling price known to the person whose duty it shall be to fix a value thereon, then at such price as it is believed could be obtained therefor in money at such time and place. Investments in bonds, stocks, joint-stock companies, or otherwise, shall be valued at the true value thereof in money. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof: *Provided*, that depreciated bank notes shall be entered at their current value. Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full price of the sum so payable; if for a specific article, or for a specified number or quantity of any article or articles of property, or for a certain amount of labor done, or for ser-

Proviso.

vices of any kind rendered, it shall be valued at the current price of such property, or of such labor or service, at the place payable. Annuities, or moneys receivable at stated periods, shall be valued at the price which the person listing the same believes them to be worth in money.

#### OF DEDUCTIONS MADE FROM MONEYS AND CREDITS.

§ 11. In making up the amount of moneys and credits Deductions.

which any person is required to list for himself, or any other person, company or corporation, he shall be entitled to deduct from the gross amount of moneys and credits, the amount of all *bona fide* debts owing by such person, company or corporation, to any other person, company, or corporation, for a consideration received; but no acknowledgment of indebtedness not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt within the meaning of this section; and so much only of any liability, as surety for others, shall be deducted as the person making out the statement believes the surety is legally and equitably bound to pay, and so much only as he believes such surety will be compelled to pay on account of the inability or insolvency of the principal debtor; and if there are other sureties, who are able to contribute, then only so much as the surety in whose behalf the statement is made will be bound to contribute: *Provided*, that nothing in this section shall be so construed as to apply to any bank, company or corporation exercising banking powers or privileges.

Banks excluded.

§ 12. No person, company or corporation, shall be entitled to any deduction on account of any bond, note, or obligation of any kind, given to any mutual insurance company, nor on account of any unpaid subscription to any religious, literary, scientific, or charitable institution, or society; nor on account of any subscription to or instalment payable on the capital stock of any company, whether incorporated or unincorporated.

Further exceptions.

#### OF LISTING AND VALUING THE PROPERTY OF MERCHANTS AND MANUFACTURERS, AND OF BANKERS, EXCHANGE BROKERS, AND STOCK-JOBBER.

§ 12. Every person that shall own, or have in his possession, or subject to his control, any personal property within this state, with authority to sell the same, which shall have been purchased in or out of this state, with a view to being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this state, for the purpose of being sold at any place within this

Assessment of property of non-residents, bankers, manufacturers, &c.

state, shall be held to be a merchant; and when he shall be by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property appertaining to his business as a merchant; and in estimating the value thereof, he shall take as the criterion the average value of all such articles of personal property which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in business, and if not, then during such time as he shall have been so engaged; and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been in business, adding together such amount, and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided*, that no consignee shall be required to list for taxation the value of any property, the product of this state, which shall have been consigned to him for sale, or otherwise, from any place within the state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided*, he shall in either case have no interest in such property, or any profit to be derived from its sale; and the word *person*, as used in this and the succeeding sections, shall be held to mean and include firm, company and incorporation.

Who are manufacturers.

Manufacturing stock included in assessment.

Products of this state excluded.

§ 14. Every person who shall purchase, receive or hold personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with the view of making a gain or profit by so doing, shall be held to be a manufacturer; and he shall, when he is required to make out and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the preceding section, of all articles purchased or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if he shall have been so long engaged in such manufacturing business, and if not, then during the time he shall have been so engaged: *Provided*, that from the value of property, being the product of this state, the merchant or manufacturer listing the same shall be entitled to deduct the amount owing by him for such property, or



for moneys invested therein: *And provided further*, that from the value of property, being the product or stock of this state, the farmer or dealer listing the same shall be entitled to deduct the amount owing by him for such property, or for moneys invested therein.

§ 15. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as a part of his manufacturer's stock, the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any parcel or parcels of real property,) including all tools and implements of every kind, used or designed to be used for the aforesaid purposes.

Machinery to be listed.

§ 16. Every person who shall have money employed in the business of dealing in coin, notes, or bills of exchange, or in the business of dealing in, or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writing obligatory, or stocks of any kind or description whatsoever, shall be held to be a banker, broker or stock-jobber; and he shall, when he is required to make out and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the thirteenth section of this act, of all moneys, notes, bills of exchange, bonds, stocks, or other property, appertaining to his business as a banker, broker, or stock-jobber, which he shall have had from time time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in such business, and if not, then during the time he shall have been so engaged.

What constitutes a banker, broker, &c.

Deliver to assessor statement of personal property.

§ 17. That when any person shall commence merchandising in any county after the first day of May in any year, the average value of whose personal property employed in merchandising shall not have been previously entered on the assessor's list for taxation in said county, said person shall report to the clerk of the county, who shall enter the same upon the tax list, the probable average value of the personal property by him intended to be employed in merchandising until the first of May thereafter, and shall pay to the collector of such county a sum which shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence merchandising as aforesaid, to the first of May next succeeding, shall bear to one year: *Provided*, that if the person so listing his merchant's capital shall present a *bona fide* receipt from the collector of any county in which such merchant's capital had been previously listed and taxed for the amount of the taxes assessed, and by him

Merchants to make additional report.

paid on the same capital for the same year, then and in that case it shall be a receipt from paying taxes again on such capital: *Provided further*, that if the tax list had been delivered to the collector before the receipt of such report, it shall be the duty of the clerk, within ten days after receiving any such report, to charge the same to the collector, and to notify such collector of the amount so charged, who shall collect and pay over said amount in like manner, as near as may be, as if it had been regularly entered on the tax list.

Bankers and brokers to make additional report.

§ 18. That when any person shall commence or engage in the business of dealing in stocks of any description, or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writing obligatory, as mentioned in the sixteenth section of this act, after the first day of May, in any year, the average value of whose personal property employed in such business shall not have been previously entered on the assessor's list for taxation in said county, such person shall report to the county clerk of the county the probable average value of the property by him intended to be employed in such business until the first day of May thereafter; which amount shall be entered on the tax list, and the taxes collected as in other cases.

Penalty for failure to report.

§ 19. That if any person shall commence or engage in the business of merchandising, banking, brokerage or stock-jobbing, and shall not within one month thereafter list his property as before required, he shall forfeit and pay, in addition to the taxes authorized by law, a tax of two per cent. on the value of the personal property by him so employed, for the use of the county, to be charged and collected in like manner as other taxes; said value to be ascertained, as near as may be, by the assessor, or if he has made return of the assessment list, then by the clerk.

#### OF LISTING AND VALUING THE PROPERTY OF BANKS AND BANKING COMPANIES, AND OTHER CORPORATIONS.

Listing of property of banking companies and corporations.

§ 20. It shall be the duty of the president and cashier of every bank or banking company that shall have been or may be hereafter incorporated by the laws of this state, and having the right to issue bills for circulation as money, to make out and return to the bank commissioners, in the month of May annually, a written statement, containing the average amount of notes and bills discounted or purchased by such bank or banking company, which amount shall include all the loans or discounts of such bank or banking company, whether originally made or renewed during the year next preceding the first of May aforesaid, or at any time previous, whether made on bills of exchange, notes,

bonds, mortgages, or any other evidence of indebtedness, at their actual value in money, whether due previous to, during, or after the period aforesaid, and on which such bank or banking company has at any time reserved or received, or is entitled to receive any profit or other consideration whatever, either in the shape of interest, discount, exchange or otherwise. Stocks deposited with the state treasurer shall be valued at the rate at which they are deposited. The bank commissioners shall proceed to ascertain the amount of the property valued in accordance with the provisions of this act, and make return thereof to the auditor, who shall report the same to the clerk of the proper county, and said clerk shall enter the same on the tax list for taxation.

§ 21. To ascertain the amount of the notes and bills discounted and purchased, and all other effects or dues, of every description, belonging to such bank or banking company, and liable to taxation, there shall be taken as a criterion the average amount of the aforesaid items for each month during the year next previous to the time of making such statement, if such bank or banking company shall have been so long engaged in business, and if not, then during such time as such bank or banking company shall have been engaged in business; and the average shall be made by adding together the amount so found belonging to such bank or banking company in each month said bank or banking company was so engaged in business, and dividing the same by the number of months said bank or banking company was thus engaged in business.

Notes and bills discounted, amount how ascertained.

§ 22. The president, secretary, or principal accounting officer of every railroad company, turnpike or plank road company, insurance company, telegraph company, or other joint-stock company, except corporations whose taxation is specifically provided for by law, for whatever purpose they may have been created, whether incorporated by any law of this state or not, shall list for taxation, at its actual value, its real and personal property, moneys and credits, within this state, in the manner following:

Other companies to list.

In all cases return shall be made to the assessor of each of the respective counties where such property may be situated, together with a statement of the amount of said property which is situated in each county, town, city, or ward therein.

Return.

The value of all moveable property shall be added to the stationary and fixed property and real estate, and apportioned to such wards, towns, cities, and counties, *pro rata*, in proportion to the value of the real estate and fixed property in said ward, town, city or county. The capital stock of bridge companies shall be assessed in the town where their principal office is located.

Moveable property.

In case of false  
valuations.

If the county assessor to whom returns are made is of opinion that false or incorrect valuations have been made, or that the property of the corporation or association has not been listed at its true value, or that it has not been listed in the location where it properly belongs, or in cases where no return has been made to the county assessor, he is hereby required to proceed to have the same valued and assessed in the same manner as is prescribed in the several sections of this act regulating the duties of county assessors in cases of refusal or neglect to list property: *Provided*, that every agency of an insurance company, incorporated by the authority of any other state or government, shall return to the assessor of the county in which the office or agency of such company may be kept, in the month of May, annually, the amount of the gross receipts of such agency, which shall be entered on the tax list of the proper county, and subject to the same rate of taxation for all purposes that other personal property is subject to at the place where located.

#### ASSESSORS—THEIR DUTIES—WHEN PROPERTY TO BE ASSESSED, &C.

Assessment of  
real property.

§ 23. All property, except real property, shall be assessed annually; real property shall be assessed, as provided for by this act, in the year 1853, and every two years thereafter, until otherwise provided for by law.

Non-resident  
lands and lots.

§ 24. All lands and town lots owned by any person, and not situated in the town where such owner may reside, shall be taxed as non-resident, and assessed in the town where the same shall lie.

Assessor's official  
oath.

§ 25. Every assessor, before he enters upon the duties of his office, shall take and subscribe an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially, perform all the duties enjoined on him as such assessor.

If treasurer fails  
to give bond or  
take oath.

§ 26. If any person elected to the office of county treasurer shall fail to give bond as collector, or shall neglect or refuse to take an oath as required by this act, his office shall be considered vacant, and the board of supervisors shall be immediately called together by the county clerk, and shall forthwith fill such vacancy by the appointment of some suitable person, who shall qualify and discharge the duties of such treasurer and collector, in like manner as if he had been regularly elected to said office, until one is elected and qualified.

When assessor to  
list.

§ 27. The assessor shall, between the first days of May and July, and after being furnished with the necessary blanks, proceed to take a list of the taxable property in his town, and assess the value thereof, in the manner following, to wit:



He shall call at the office, place of doing business, or residence of each person required by this act to list property, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act, and the assessor, or the person listing the property, shall enter a true and correct statement of such property, and the value thereof, in a printed or written blank prepared for that purpose; which statement, after being filled out, shall be signed by the person listing the property, and delivered to the assessor.

§ 28. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office, usual place of residence or business of such person, a written or printed notice, requiring such person to make out and leave at the usual place of collecting taxes in that precinct, or at the office of said assessor, on or before some convenient day named therein, a statement of the property which he is required to list, and shall leave with such notice a printed or written blank for the statement required of such person. The date of leaving such notice, and the name of the person required to list the property, shall be carefully noted by the assessor in a book to be kept for that purpose; and if any such person shall neglect or refuse to deliver the statement, properly made out and signed as required, the assessor shall make the assessment as required by this act.

§ 29. Assessors and deputy assessors, justices of the peace and clerks of the county courts, are authorized and empowered to administer any oath relating to the assessment of property required by this act.

§ 30. In every case where any person shall refuse to make out and deliver to the assessor a statement of the personal property, moneys and credits which he is required to list, as provided by this act, the assessor shall, in every such case, proceed to ascertain the number of each description of the several articles of personal property subject to taxation enumerated in this act, the value thereof, the value of the personal property subject to taxation, other than enumerated articles, and the value of the moneys and credits of which a statement shall have been withheld as aforesaid, as the case may require; and to enable him so to do, he is hereby authorized to examine on oath any person whom he may suppose to have knowledge of the amount or value of the personal property, moneys or credits, which the person so refusing was required to list.

§ 31. If any person who shall be required by the assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the assessor, or having been sworn, if he shall refuse to answer such questions as the assessor shall put to him touching the subject of inquiry

any justice of the peace of the town or district, to whom the assessor may make application therefor, shall summon such person to appear before him at such time as the assessor shall designate, and answer on oath all pertinent questions which may be put to him by the assessor or his order, touching the amount and value of the personal property, moneys and credits which the person required to list the same on oath has refused to list; and every constable and witness shall be subject to the same penalties for refusal or neglect to obey the process of such justice, as they are by law subject to for refusing to obey the process of justices of the peace in civil cases; and shall receive the same fees allowed for like services in civil cases, and such justice of the peace shall immediately proceed to enter judgment for all such fees and for his own costs in favor of the state of Illinois, against the person who shall have refused to make and deliver to the assessor a statement of the property which, by this act, he was required to list, and proceed to collect and pay over the same, as in civil cases.

Remedy for excessive valuation.

§ 32. On the last Saturday in June, the assessor, town clerk and supervisor shall attend at the office of the town clerk, for the purpose of reviewing the assessment list, and on the application of any person conceiving himself aggrieved, they shall review the assessment, and when the person objecting thereto shall make an affidavit that the value of his personal estate does not exceed a certain sum specified in such affidavit, the assessor shall reduce the assessment to the sum specified in such affidavit, and if he or any other one objects to the valuation put upon any of their real estate, the board shall hear the objections, and may reduce the same, if a majority of the board think it advisable, and in such case the assessor shall correct his list.

Assessor to make out valuation lists for clerk.

§ 33. Each town assessor shall, on or before the first day of July, annually, make out and deliver to the clerk of his county, in tabular form and alphabetical order, the names of the several persons, companies or corporations, in whose names any personal property, moneys or credits shall have been listed in his county, and separately, in appropriate columns, opposite each name, the number and value of all articles of personal property enumerated in this act, the value of all non-enumerated articles of personal property, other than the stock of merchants and manufacturers, the value of merchants' and manufacturers' stock, and the value of the moneys and credits listed by said persons. If any person is assessed on property which he believes is not properly and legally liable to taxation, he may apply to the board of supervisors, at their annual meeting, for an abatement of such assessment, and the said board shall hear and determine the matter; but if said board shall decide that any such property is not liable to taxation, and

the question as to the liability of such property to taxation has not been previously settled, the decision of said board shall not be final, unless approved by the auditor of public accounts, and it shall be the duty of the clerk of said board, in all such cases, to make out and forward to the auditor a full and complete statement of all the facts in the case. If the auditor is satisfied that such property is not legally liable to taxation, he shall notify the clerk of his approval of the decision of the board, and the said clerk shall correct the assessment accordingly. But if the auditor believe that the board has erred in deciding that such property was not liable to taxation at the time of making the assessment, he shall advise the clerk of his objections to the decision of the board, and give notice to said clerk that he will apply to the supreme court, at the next term thereof, for an order to set aside and reverse the decision of the board of supervisors. Upon the receipt of such notice, the clerk shall notify the person making application therefor. And it shall be the duty of the auditor to file in the supreme court a certified statement of the facts certified by the clerk, as aforesaid, together with his objections thereto, and the court shall hear and determine the matter, as the right of the case may be.

§ 34. In all cases where property is not listed by the owner, the assessor shall note opposite the name the words "by assessor."

Where property  
not listed by  
owner.

§ 35. Each town assessor shall, at the time he is required by this act to make his return of taxable property to the county clerk, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, and the clerk shall carefully file and preserve the same for one year thereafter.

Return of taxable  
property.

§ 36. Each town assessor shall take and subscribe an oath, which shall be certified by the magistrate or clerk administering the same, and attached to the return which he is required to make to the county, in the following form, as near as may be :

Assessor's oath  
attached to re-  
turn.

I, ———, assessor in the town of ———, do solemnly swear that the value of all personal property, moneys and credits required to be listed for taxation by me, is truly returned and set forth in the annexed list, and that in every case I have diligently, and by the best means in my power, endeavored to ascertain the true amount and value of all taxable property, moneys and credits ; and that, as I verily believe, the full value thereof, estimated by the rules prescribed by said act, is set forth in the list aforesaid ; that in no case knowingly have I omitted to assess any property which by law I am required to assess, nor have I in any way connived at any violation or evasion of any of the

requirements the law in relation to the listing or valuation of property, moneys, or credits of any kind, for taxation.

In case of inability of assessor to ascertain value of property.

§ 37. In all cases in which town assessors are required, in consequence of the sickness or absence of the person whose duty it is to make out a statement of personal property, moneys and credits, or in consequence of his neglect or refusal to make out and deliver such statement, to ascertain the amount and value of such personal property, moneys and credits, if the assessor shall be unable to obtain positive evidence of the amount and value of such property, moneys and credits, he shall return such amount and value as from general reputation and his own knowledge of facts and circumstances, he believes to be the full amount and value of such property, moneys and credits.

Assessor to deliver abstract to clerk.

§ 38. The assessor, or some suitable person employed by him for that purpose, shall add up the several columns containing the number and value of each article of property enumerated, the value of unenumerated articles, the value of each of the other items of property enumerated in the seventh section of this act, and the total value thereof, and note the aggregate of each column at the bottom thereof, and shall make out and deliver to the clerk, with the assessment list, an abstract of the several footings on each page, showing separately the aggregate number and value of each enumerated article of property, and the value of each kind of all other property assessed. The correctness of such abstract shall be verified by the oath of the assessor or person who shall have made such additions.

#### REAL PROPERTY—HOW AND IN WHAT MANNER LISTED.

Assessor to make list.

§ 39. It shall be the duty of each assessor, upon being furnished with the list and blanks provided for by this act, from actual view or from the best sources of information that can be obtained, to determine, as nearly as practicable, the true value of each separate parcel of real property in his town, according to the rules prescribed by this act for valuing real property, and such value shall be noted opposite each parcel of real property, in a column provided for that purpose; and he shall note opposite each tract not listed by a resident of the town the letter "N," denoting non-resident.

Statement and return.

§ 40. The assessor shall add up the valuation of the real property, and shall set down in figures on each page the total value of the property listed thereon, and shall make out a statement showing the aggregate value of the lands, and the aggregate value of town lots. The assessor shall complete the assessment and make return thereof to the clerk of the county court, on or before the first Monday in July, annually.



§ 41. Each assessor shall take and subscribe an oath, which shall be certified by the magistrate or clerk administering the same, and attached to the return which he is required to make to the county clerk, as near as may be, in the following form:

Assessor's oath  
on return.

I, A. B., assessor of the town of —, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property subject to taxation within said town, so far as I have been able to ascertain the same, and that the value attached to each parcel in said return is, as I verily believe, the full value thereof, estimated agreeably to the rules prescribed therefor in the act for the assessment of property and the collection of taxes, and that the aggregate value, as set forth in the statement returned herewith, is true and correct, as I verily believe. The clerk, upon the receipt of the several assessment rolls, shall carefully compare the same with the list of taxable land on file in his office, correcting all errors which he may discover, and add to the roll of the proper town the name of the purchaser, and the description of all such lands as has been omitted by the assessor which are liable to taxation. He shall then make a fair copy of the several assessment rolls; which copy, together with the original, shall be laid before the board of supervisors at their annual meeting in each year; for which service said clerk shall be allowed a sum not exceeding two cents for each tract of land, and one cent on each town lot contained in said rolls, and where the real estate and personal property are separate, one half cent for each person's name and valuation of personal property contained in said rolls.

Clerk to furnish  
board with copy  
of list.

§ 42. If any assessor shall wilfully refuse or neglect to perform any of the duties required of him by this act, he shall forfeit to the people of this state the sum of fifty dollars, and be liable for all damages sustained by any such refusal or neglect.

Penalty for ne-  
glect of duty by  
assessor.

§ 43. The board of supervisors of each county in this state, at their annual meeting, shall examine the assessment rolls of the several towns in their county, for the purpose of ascertaining the aggregate valuation of property in each town, and they shall assess the value of all such lands and lots as have been omitted by the assessor, and listed by the clerk, and cause the same to be placed opposite the description of said lands, in a column prepared for that purpose.

Board to examine  
assessment list.

§ 44. They shall, at their annual meeting, fix a certain rate upon the hundred dollars to be levied upon the taxable property, both real and personal, in their respective counties, for county purposes, which they shall cause to be entered upon their record, and they shall, at the same time, also enter upon their record the amount to be collected in

Board to fix rate.

each town for town purposes. The clerk of the county court shall carefully compare the copy made by him with the original assessment roll, [and when so compared and corrected he shall cause the taxes to be extended on said copy, and shall also cause to be indorsed on the original assessment roll] the amount per cent. levied on each one hundred dollars worth of property, as taxes thereon, which original roll shall remain in the county clerk's office until the month of March next thereafter. The town clerks shall call on the county clerk during the month of March in each year, for the original assessment rolls of the previous year of their respective towns, which rolls they shall file in their respective offices, for the use of the town.

Clerk to estimate  
tax.

§ 45. The county clerk shall cause to be estimated and set down in a separate column, to be prepared for that purpose, in the copied assessment roll, opposite the several sums set down as the valuation of real and personal estate, the respective sums in dollars and cents, respecting the fractions of a cent, to be paid as tax thereon.

Clerk to deliver  
lists to collect-  
ors.

§ 46. The county clerk shall cause the copied and corrected assessment roll of each town or district in their respective counties, with the taxes extended thereon, to be delivered to the collector of such town or district, on or before the fifteenth day of November in each year.

Clerk to attach  
warrant.

§ 47. To each assessment roll a warrant, under the hand of the county clerk and seal of the county court, shall be annexed, commanding such collector to collect from the several persons named in the assessment roll the several sums mentioned in the last column of such roll, opposite their respective names. The warrant shall direct the collector, out of the moneys to be collected, after deducting the compensation to which he may be legally entitled, to pay over to the commissioners of highways the amount of tax collected for the support of highways and bridges, and to the supervisor of the town all other moneys which shall have been collected therein, to defray any other town expenses; to the township treasurers the school fund tax, and to the county treasurer the state and county tax collected by him. The county treasurer shall pay over to the proper officers the amount of the tax collected by him on the delinquent real estate.

Refusal to pay  
tax.

§ 48. In all cases the warrant shall authorize the collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person; and it shall require all payments therein specified to be made by such collector on or before the fifteenth day of February next ensuing.

Clerk shall notify  
treasurer.

Before the delivery of the tax books to the collectors, the clerk shall notify the county treasurer that said books

are completed, and shall furnish such treasurer with a statement, setting forth the name of each collector, the amount of money to be collected and paid over, for each purpose for which the tax is levied in each of the several towns. The treasurer shall compare said statement with the footings on the tax books.

§ 49. On the last Saturday in April in each year, the assessors of the several towns shall meet at the office of the county clerk, for the purpose of instruction and advice relative to their duties as assessors. They then and there shall agree upon a basis upon which the property in the several towns shall be assessed. The county clerk shall consult with and advise said assessors as to the true basis of valuing property; he shall furnish them with such blank circulars, &c., as they may be entitled to, and shall give such instructions and advice as may be necessary to enable them to make their assessments and returns correctly.

Assessors to meet

§ 50. No assessment of property, or charge for taxes thereon, shall be considered illegal on account of any informality in making the assessment, or in the tax lists, or on account of the assessments not being made or completed within the time required by law.

Informality.

§ 51. Every county clerk, assessor, collector or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined on him by this act, or who shall consent to or connive at any evasions of its provisions, whereby any proceeding required by this act shall be prevented or hindered, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the value thereof be entered upon the tax list at less than its true valuation, shall, for every such neglect or refusal, be liable, individually, and on his official bond, for double the amount of the loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof, and may be removed from his office, at the discretion of the court before whom any such judgment shall be rendered.

Neglect of duty by officers.

§ 52. In all cases where any person, company, or corporation has, or may hereafter divide any tract of land into parcels less than the one-sixteenth part of a section, or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, with a view to sell said lands in such parcel, it shall be lawful for such person, company or corporation, to cause such lands to be surveyed, and a plat thereof made by the surveyor of the county where such lands are situated; which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots shall be numbered in progressive numbers, and the plat shall show

Lands other than subdivisions of government surveys, how described.

the number and location of each lot, and the description of the tract of land of which such land is a part, and also the quantity of land in each lot. Said plat shall be certified to by the surveyor, and recorded in like manner as the plats of towns are required to be certified to and recorded.—Lands described in any deed or conveyance, or for the purpose of taxation, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described.

In case owners  
refuse to sur-  
vey.

§ 53. When lands heretofore have been, or may hereafter be subdivided into parcels less than one-sixteenth part of a section, or in such manner that they cannot be easily and properly described, without noting the metes and bounds of such tracts, it shall be the duty of the owner or owners thereof, when required so to do by the assessor, to cause the same to be surveyed, and the plat thereof recorded in like manner as is required in the foregoing section; and if such owner or owners shall refuse or neglect to cause such survey to be made within a reasonable time after being notified by the assessor, it shall be the duty of the assessor to cause such survey to be made and recorded; and the expense thereof to be returned by the assessor to the clerk, who shall add the same, together with the commissions for collecting, &c., to the tax assessed on such real property, and it shall be collected with and in like manner as the said tax; and when collected, shall be paid on demand to the persons to whom it is due: *Provided*, that the collector shall either file a receipt for the payment thereof with the treasurer, or shall pay the same into the county treasury, when he makes settlement for the county revenue, to be paid to the proper persons when called for.

County lines.

§ 54. In all cases where the boundary lines of any county or counties cannot be correctly ascertained from the plats or maps of the original surveys, and such boundary lines not having been surveyed, it shall be the duty of the board of supervisors of the counties bounded by any such lines, jointly, to cause the same to be surveyed and located in accordance with the laws establishing such lines. They shall cause a plat or map to be made, showing the correct location of the line on each equal subdivision, or tract of land through which such line may run; which plat, together with the field notes of such survey, shall be certified to by the surveyor making the survey, under oath, and forwarded to the auditor of public accounts, who shall cause the same to be filed and recorded in his office, and a correct copy thereof forwarded to the clerk of the county court of each of the counties bounded by such line. And said clerk shall cause such copy to be filed in his office, and recorded



in a suitable record book, and the line thus surveyed shall be the true division line: *Provided*, that if the board of supervisors of any county bounded, in part or in whole, as aforesaid, shall neglect or refuse to comply with the requirements of this section within a reasonable time after being requested so to do by the auditor of public accounts, it shall be the duty of said auditor to cause the said survey to be made, if in his opinion the public interest requires it. And the expenses of making any such survey, whether under the direction of the county authorities or of the auditor, shall be paid by the counties bounded by such line—one-half by each county.

§ 55. For the purpose of taxation, all tracts or parcels of land, not exceeding one-sixteenth part of a section, shall be assessed in the county where the greater part of said tract is situated; and the collector of the proper town in said county shall have the same power and authority to collect the taxes due thereon as he would if the whole of said tract were within the limits of said county. And in all cases where any such tract or tracts shall be equally divided between two counties, and the owner thereof be a resident of either county, said land shall be assessed in the county in which the owner resides; but if the owner be not a resident of either county, then the auditor shall determine in which county the land shall be assessed: *Provided*, that if there be several tracts similarly situated, the auditor shall apportion them equally between the counties, as near as practicable: *Provided, furthermore*, that when a tract of land containing a half-quarter section, or more, is so divided by the county line that by subdividing it into quarter-quarter section lots, each county will be entitled to the taxes on one or more of said lots, then the tract shall be so divided. The provisions of this section regulating the assessment of land divided by county lines, shall apply to and regulate the assessment of land divided by town lines.

§ 56. Government lands entered or located prior to the first day of May, A. D. 1853, shall be taxable for the year 1853; lands entered or located prior to the first day of May, A. D. 1854, shall be taxable for the year 1854, and so on annually thereafter. Land sold by the trustees of the Illinois and Michigan canal, shall be taxable from and after the time that full payment therefor is made. School, seminary and saline lands shall be taxable in like manner as the lands sold by the general government. Internal improvement lands sold prior to the first day of June, A. D. 1848, shall be taxable for the year 1853, and annually thereafter.

§ 57. On the first day of May in each year, or as soon thereafter as practicable, the auditor shall obtain from the

Where tract lies in two counties.

Town lines.

Locations prior to May, '53.

Canal lands.

School and saline lands.

Internal improvement lands.

Land office abstracts.

several land offices in this state, abstracts of the lands entered and located, and not previously obtained, and shall, when necessary, obtain from the canal office abstracts of the canal lands sold. Upon the receipt of said abstracts, the auditor shall cause them to be transcribed into the tract books in his office, and shall, without delay, cause abstracts of the lands in each county to be made out and forwarded by mail to the county clerks of the several counties; and said clerk shall cause such abstracts to be transcribed into the tract book, and filed in their office.

Clerk to deliver  
list of real estate  
to assessor.

§ 58. On the last Saturday in April, A. D. 1853, and every two years thereafter, the clerk of the county court shall cause to be delivered to the assessor of each town a book, properly ruled and headed, containing a list of the real estate in numerical order, with such blank columns as may be necessary, for the use of the assessor. The clerk, in making out said lists, shall take as his guide the assessment list of the previous year, and the list of subsequent conveyances: *Provided*, that the list of lands reported in the annual abstract shall be furnished to the assessor within five days from and after the time such abstract is received from the auditor's office.

Owners on first of  
May liable for  
tax of year.

§ 59. Every person owning or holding real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year; and if any person shall sell and convey any real property on or prior to the first day of May next after the listing of such real property, he shall, when he lists his personal property for the year next after the listing of said real property, deliver to the assessor a statement setting forth the description of the property sold and conveyed, and the name of the purchaser, and he shall list all real property purchased by him during the said time; and the assessor shall make return thereof to the county clerk, who shall make the proper changes in the tax books. Real property shall in all cases be liable for the taxes thereon.

Clerk to furnish  
assessor with  
abstracts of per-  
sonal property,  
&c.

§ 60. The clerk of the county court shall annually, on the last Saturday in April, furnish the assessor of each town with a book or books, properly ruled and headed, for the abstract of the assessment of personal property, and shall, at the proper time, furnish such assessor with a list of the real estate that may have become taxable subsequent to the regular assessment of real estate; all property, except real property, shall be assessed annually; real property shall be assessed biennially: *Provided*, that real property becoming taxable after the regular assessment of real property, or that may have been omitted, shall be assessed for the current year at the same time that the personal property is assessed in the year that the real property is not regularly asses-

sed, and such property shall be re-assessed the next succeeding year with the regular assessment of real property.

§ 61. It shall be the duty of the auditor of public accounts to make out and forward to the clerk of the county court of the several counties, for the use of such clerks and other officers, suitable forms and instructions for carrying this act into effect; and all such instructions shall be strictly complied with by the officers in the performance of their respective duties, as required by this act. He shall give his opinion and advice on all questions of doubt as to the true intent and meaning of the provisions of this act.

Auditor to furnish forms and instructions.

§ 62. If the assessor should discover any real property subject to taxation, which has not been returned to him by the clerk, he shall assess such property, and enter the same on the assessment list. And if upon the return of such list to the clerk, it shall appear that any such real property has not been returned by the auditor, it shall be the duty of the clerk to advise the auditor of the facts, describing the property so returned by the assessor, and the auditor shall ascertain the true condition of such real property, and advise the said clerk thereof, who shall correct the records in his office, in accordance with the facts in the case.

Omissions in returns.

§ 63. It shall be the duty of the clerk, before delivering the list of real property to the assessor, to cause such list to be carefully compared with the lists of taxable real property on file in his office, and if it shall appear that any such property was omitted in the former assessment list, he shall correct the list designed for the assessor, so that said list may contain a full and complete abstract of all the taxable real property in the several towns.

Clerk to compare list with files.

#### OF THE MANNER IN WHICH TAXES ARE TO BE COLLECTED, AND THE DUTIES OF THE TOWN COLLECTORS.

§ 64. Every collector, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his or her place of residence, if in the town or district for which such collector has been chosen, and shall demand payment of the taxes charged to him on his property.

Collector's duty.

#### *In case of refusal to pay.*

§ 65. In case any person shall refuse or neglect to pay the tax imposed on him, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same.

Refusal to pay taxes.

#### *Notice.*

§ 66. The collector shall give public notice of the time and place of sale, and of the property to be sold, at least

Notice of sale.

six days previous to the sale, by advertisement, to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction.

### *Surplus.*

**Surplus of tax sales.** § 67. If the property distrained shall be sold for more than the amount of the taxes, the surplus shall be returned to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner.

**In case of owner's removal.** § 68. In case any person upon whom any tax shall be assessed, under the provisions of this act, in any city or town of this state, shall have removed out of such city or town after such assessment, and before such tax, which now is or hereafter may be assessed, in any district of any city or in any town, upon the estate of such person situated out of the city or town where he may reside, and within the county, it shall be lawful in either of those cases, for the collector of said city or town to levy and collect such tax of the goods and chattels of the person assessed, in any district within said cities, or within any town within said county to which such person shall have removed, or in which he shall reside.

**Collector to pay over to treasurer.** § 69. Every collector shall pay over, within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officers of his town and to the county treasurer, the sums required in such warrant to be paid to them respectively, first retaining the compensation to which he may be legally entitled. The town officers to whom any such moneys shall be paid, shall deliver to the collector duplicate receipts therefor, one of which shall be filed by the collector with the county treasurer, for the amount therein stated to have been received, and no other evidence of such payment shall be received by the county treasurer.

**Where taxes exceed town charges.** § 70. Whenever any greater amount of taxes shall be assessed in any town than the town charges thereof, and its proportion of the tax and county charges, the surplus shall be paid by the collector to the supervisor of the town, who shall hold the same until wanted by the town to pay any town expenses.

**Part of tax may be received.** § 71. The collectors shall receive on the part of any lot, piece or parcel of land charged with taxes: *Provided*, the persons paying such tax shall furnish a particular specification of the part, and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the collector shall

enter such specification in his return to the county treasurer, to the end that the part on which the tax remains unpaid may be clearly known.

§ 72. If any part on which the tax shall be so paid be an undivided share, then the person paying the same shall state to the collector who is the owner of such share, then it may be excepted in case of a sale for the tax on the remainder; and the collector shall enter the name of such owner on his account of arrears of taxes.

Undivided shares  
of property.

§ 73. If the town collector shall be unable to collect any tax charged in the tax list, by reason of the removal or insolvency of the person to whom such tax shall be charged, or on account of any error in the tax list, he shall deliver to the county treasurer his tax books, and shall make out and file with the said treasurer, at the time of his settlement, a statement in writing, setting forth the name of the person charged with such tax, the value of the property, and the amount of tax so charged, and the cause of delinquency, and shall make oath before the county treasurer, or some justice of the peace, that the facts stated in such statement are true and correct; that the sums mentioned therein remain unpaid, and that he has used due diligence to collect the same; which oath or affidavit shall be signed by the town collector. And upon the filing of said statement, the county treasurer shall allow the town collector credit for the amount of taxes therein stated, and shall apportion and credit the same on the several funds for which said tax was charged; and when he makes settlement with the board of supervisors, such statement shall be sufficient voucher to entitle him to credit for the amount therein stated; but, in no case, shall any town collector or county treasurer be entitled to abatements on the resident tax list, until the statement and affidavit aforesaid is filed, as required by this act.

When collector  
unable to collect.

§ 74. If any person, chosen or appointed to the office of collector of any town, district or city in this state, shall refuse to serve, or shall die, resign, or remove out of the town, district or city, or the office becomes vacated in any other way, before he shall have entered upon or completed the duties of his office, or shall in any way be disabled from completing the same, the supervisor and justices of such town or district, or any two of them, shall forthwith appoint a collector for the remainder of the year, who shall give the like security, and be subject to the like penalties, and have the same powers and compensation as the collector in whose place he was appointed, and the supervisor or town clerk shall forthwith give notice of such appointment to the county treasurer. But such appointment shall not exonerate the former collector or his sureties from any liability incurred by him or them.

Refusal of collector  
to serve.



Warrants issued  
prior to appoint-  
ment of succes-  
sor.

§ 75. If a warrant shall have been issued as by law provided, prior to any appointment under the last section, the original warrant, if the same can be obtained, shall be delivered to the collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out by the clerk of the board of supervisors of the county, and shall be signed by the chairman of the board of supervisors, in the same way and manner as the original was, which shall be directed to the collector so appointed, and upon every such appointment, the supervisor of the town or district, if he shall think it necessary, may extend the time limited for the collection of taxes, for a period not exceeding thirty days; of which extension he shall forthwith give notice to the county treasurer. The collector so appointed shall keep an account of all collections made by the former collector, so far as he can ascertain the same, and when any one shall present a receipt for taxes paid to the former collector, he shall mark against the amount of taxes so paid, to whom paid, and the time when paid.

*Neglect of collector to pay over money.*

Refusal of collec-  
tor to pay over.

§ 76. If any collector shall refuse or neglect to pay to the several town officers of his town, or to the county treasurer, the sums required by his warrant to be paid to them respectively, or either of them, or to account for the same as unpaid, the county treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such collector, of the goods and chattels, lands and tenements of such collector, and to pay the same to the county treasurer, and to return such warrant within forty days after the date thereof; which warrant the county treasurer shall immediately deliver to the sheriff of the county. But no such warrant shall be issued by the county treasurer, for the collection of moneys payable to town officers, of the refusal or neglect of the collector to pay the same, or account therefor, as above provided.

*Duty of Sheriff.*

Sheriff's duty.

§ 77. The sheriff to whom such warrant is directed shall immediately cause the same to be executed, and shall make return thereof to the county treasurer, within the time specified, and shall pay to him the money received by virtue thereof, deducting from his fees the same compensation that the collector would have been entitled to retain.

Such part of the moneys, if any, as ought to have been paid by the collector to the town officers, shall be paid by the county treasurer to the officers to whom the collector was directed to pay the same; but if the whole amount of moneys due from the collector shall not be collected in such warrant, the county treasurer shall first retain the amount which ought to have been paid him, before making any payment to the town officers.

*In case the whole or part of money is paid.*

§ 78. If the whole sum due from the said collector shall be collected, the sheriff shall so state in his return, but if part only, or if no part of such sum shall be collected, the sheriff shall note in his return the fact, and the amount collected, and shall also certify that such collector has no goods or chattels, lands or tenements in his county from which the money or residue thereof, as the case may be, could be levied, and in either case, the county treasurer shall forthwith give notice to the supervisor of the town or district of the amount due from such collector.

If part is collected.

*Bond to be sued.*

§ 79. The supervisor shall forthwith cause the bond of such collector to be put in suit, and shall be entitled to recover thereon the sum due from such collector, with costs of suit, and the moneys recovered shall be applied and paid in the same manner in which it was the duty of the collector to have applied and paid the same.

Suit on collector's bond.

§ 80. If any sheriff shall neglect to return any such warrant, or to pay the money levied thereon, within the time limited for the return of said warrant, or shall make any other return than such as is above mentioned, the county treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant, and he may proceed in the first instance by a writ of attachment against the goods and chattels, lands and tenements, rights and credits, of such sheriff, and the same proceeding may be had thereon, in the proper court, as is now provided by law in ordinary cases of attachment.

Where sheriff neglects duty.

§ 81. In case the county treasurer shall fail to collect such moneys by attachment or suit, as is provided for in the next preceding section hereof, he shall prosecute suit on the official bond of such sheriff for the amount aforesaid.

Failure of county treasurer to collect.

§ 82. The town collectors shall be entitled to three per cent. on all moneys collected by them, as their compensation.

Collectors' percentage.

§ 83. This act shall apply to and be in force in counties adopting the act to provide for township organization, and take effect from and after its passage.

To what counties act applicable.

APPROVED February 12, 1853.

In force August  
1, 1853.

AN ACT supplemental to and explanatory of an act entitled "An act to establish a general system of banking," and to prevent the the issuing and circulating of illegal currency.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the act to which this is supplementary shall be so construed that no person or persons shall become incorporated under the said act, until he, she, or they shall first have deposited with the auditor United States or state stocks, as required by said act, so that the capital stock of the said incorporation shall amount, in such United States stocks or state stocks, at the rate and value fixed by said act, to the sum of fifty thousand dollars; and at no period during the existence of said bank shall the capital stock of the same, in stocks deposited as aforesaid, be less than the sum of fifty thousand dollars.

Prohibiting the  
issuing of bank  
bills of less de-  
nomination than  
five dollars.

§ 2. No bank, banking association, corporation, broker, banker, dealer in money, produce or foreign merchandise, or other person, shall emit, issue, utter, pay out, pass, or receive in payment, or on deposit, any bill of credit, bond, promissory note, bill of exchange, order, draft, certificate of deposit, written instrument, or instrument partly written and partly printed, to be used as a general circulating medium, as or in lieu of money, or other currency, or intended by the makers thereof to be so used, other than the bills or notes of banks of this state, countersigned in the auditor's office, according to the provisions of the act to establish a general system of banking, or the notes or bills, (of a denomination not less than five dollars,) of specie-paying banks, created by an express authority of law, in either of the United States, territories, the District of Columbia, or Canada. Every bank, banking association, corporation, broker, dealer in money, produce or foreign merchandise, or other person, who shall violate the provisions of this section, shall forfeit and pay to any person, or persons, who may sue for the same, the sum of fifty dollars for each and every bill of credit, bond, promissory note, bill of exchange, order, draft, certificate of deposit, or other instrument so issued, uttered, paid out, passed, or received, contrary to the provisions of this section, to be recovered in an action of debt, before any justice, magistrate or court having jurisdiction to the amount claimed in any such suit.

Penalty for viola-  
tion of this law.

§ 3. In addition to the penalties provided for in the foregoing section, every broker, banker, dealer in money, produce or foreign merchandise, and every officer, agent or employee, of any bank, banking association, corporation, broker, banker, dealer in money, produce or foreign merchandise, who shall offend against the provisions of this act, shall, for every bill, bond, note, order, certificate of



deposit, or other instrument or piece of paper emitted, issued, uttered, paid out, passed or received, contrary to the provisions of this act, be liable to be indicted, and, on conviction, shall be imprisoned in the county jail not more than one year. It shall not be necessary, in any indictment, suit or prosecution, under the provisions of this act, to specify or particularize any particular bill, note, bond, order, certificate of deposit, or other instrument, but it shall be sufficient to allege generally that the defendant or defendants have been guilty of violating the provisions of this act by uttering, emitting, paying out, passing or receiving, as the case may be, any such bill, note, bond, order, certificate of deposit, or other instrument, of the character or description which, by this act, are forbidden or prohibited to be issued, passed or received, and proof of such general nature shall be sufficient to sustain such indictment, suit or prosecution.

§ 4. Whenever it shall be represented to any one of the bank commissioners, upon the oath or affirmation of any credible person, setting forth the facts, or whenever, from any information, any one of the said commissioners shall have reason to believe that any bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, or any officer, clerk, agent, or other employee, of any such bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, shall have been guilty of any violations of the provisions of this act, it shall be the duty of such commissioner forthwith to proceed to the said bank, or place of business of such bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, officer, clerk, agent, or employee, and then and there to inquire, by the oaths of the said broker, banker, dealer, officer, clerk, agent, or employee, or other testimony, whether the said bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, officer, clerk, agent, or employee, have been guilty of any violation of this act. The said bank commissioner shall have full power and authority to issue subpoenas and attachments to compel the attendance of witnesses before him, from any part of the state, and shall also have power and authority to administer all oaths and affirmations to parties, witnesses, or others, required to be administered or taken by this act; and shall have power to compel such broker, banker, dealer in money, produce, or foreign merchandise, or any officer, clerk, agent, or other employee, to answer all proper interrogatories propounded to him, her or them, touching any violation of the provisions of this act, and may commit any such person to jail, for refusal so to do, there to remain until such party consents to answer such interrogatory, or is otherwise discharged by due course of law. He shall

Duties of commissioners.

reduce the said evidence and answers to writing, and report the same to the other bank commissioners, and also to the state's attorney for the judicial circuit in which the said bank, or other corporation, or the place of business of any such broker, banker, dealer, officer, clerk, agent, or other employee, may be situated. And if the said commissioner shall be of opinion that any such banker, broker, dealer, officer, agent or employee has been guilty of any violation of the provisions of this act, he shall make complaint before some judge, justice of the peace, or other proper officer, and the said judge, justice of the peace, or other officer, shall proceed against the person or persons named in said complaint, in all respects, as provided by the eighteenth division of chapter thirty of Revised Statutes, entitled "Criminal Jurisprudence;" and, for the purpose of compelling the attendance of witnesses, may issue subpoenas and attachments to any part of the state: *Provided*, that no answer made by any broker, banker, dealer in money, produce, or foreign merchandise, officer, clerk, agent, or employee, or any other person, upon any examination made by or before any bank commissioner, judge, justice of the peace, or other officer, touching any violation of this act, shall be given in evidence against him, her, or them, on the trial of any indictment, suit, or prosecution, for the recovery of any penalty or forfeiture imposed or provided for by this act, or in any other writ or legal proceeding whatsoever.

Proviso.

Commissioners to  
apply for writ of  
injunction.

§ 5. In case the bank commissioners, or a majority of them, shall be satisfied that any bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, or such officer, clerk, agent or employee, has been guilty of any violation of the provisions of this act, they shall immediately apply to some judge of a circuit or supreme court for a writ of injunction against such bank, corporation, broker, banker, dealer in money, produce, or foreign merchandise, such officer, clerk, agent, or employee, forbidding and restraining him or them from violating any of the provisions of this act; and such judge, after reasonable notice given to such bank, corporation, banker, broker, dealer in money, produce, or foreign merchandise, or such officer, clerk, agent, or employee, shall proceed, without delay, to investigate the questions involved in such application, and shall have power to compel the production of all books, papers, vouchers, and documents in the possession of the defendant or defendants, or cause and to require answers, on oath, from such defendant or defendants; which answers shall not be evidence on the trial of any other action or suit in law or equity; and if, upon such examination, he shall be of opinion that any of the provisions of this act have been violated, he shall issue such writ of injunction and en-

force the same, in case it shall be disregarded, according to the practice of the courts of chancery; and such further proceedings shall be had upon such application in the circuit court of the county where the office, or place of business, of such bank, corporation, broker, banker, dealer, officer, clerk, agent or employee may be situated, as may be necessary to enforce the provisions of this act. And if it shall be finally determined by the judge or court that any of the provisions of this act have been violated, it shall, by order of the judge or court, be certified to the auditor, which shall be sufficient authority to him, and he shall proceed to put the said bank into liquidation, in the manner contemplated by this act, and the act to which this is a supplement.

Judge to certify  
to auditor.

§ 6. The bank commissioners to be appointed under the provisions of the act to which this is a supplement, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, faithfully and impartially to perform all the duties enjoined upon and required to be performed by them, under the provisions of this act and the act to which this is a supplement; which said oath or affirmation shall be filed in the office of the secretary of state.

Commissioners to  
take oath.

§ 7. Every payment made, in whole or in part, in any bill, note, bond, order, draft, certificate of deposit, or other instrument, or paper, the passing, uttering, emitting or use of which is prohibited by this act, shall be utterly null and void, and the persons or corporation to whom any such payment may have been made therein, may sue and recover upon the original contract or cause of action, in the same manner and with like effect as if no such payment had been made.

Payments made  
to be null and  
void.

§ 8. No action shall be maintained in any court of this state upon any contract, express or implied, the consideration of which, in whole or in part, shall be any bill, note, check, draft, or other instrument or paper, the use, receipt, or emission of which is prohibited by this act, but the same shall be adjudged to be utterly null and void.

Action cannot be  
maintained.

§ 9. In all prosecutions and suits for the recovery of penalties imposed for any violation of the provisions of this act, the person suing for the same, (notwithstanding he may be liable for, or may have given bond for the costs of such suit, or may be entitled to the said penalties when recovered,) and the defendant or defendants shall be competent witnesses.

Defendants com-  
petent witness-  
es

§ 10. This act to be in force and take effect from and after the first day of August next.

APPROVED February 10, 1853.

In force Feb. 11,  
1853.

AN ACT making appropriations for purposes herein named.

Appropriation to  
agricultural so-  
ciety.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of one thousand dollars per annum, for two years from the passage of this act, shall be appropriated and paid to the treasurer of the Illinois State Agricultural Society, to be expended by said society in the promotion of agriculture and mechanic arts.

§ 2. The treasurer of the state shall pay the same out of any money not otherwise appropriated.

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to change the time of holding circuit courts in the counties of McHenry and Kane.

Time of holding  
courts.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the first day of May next, the circuit courts in the county of McHenry shall be held on the third Monday in March and November, in each year; and that so much of an act to establish the thirteenth judicial circuit, approved February 4, 1851, as fixes the time of holding courts in said county, and dispenses with a grand jury and docketing criminal cases for trial, be and the same is hereby repealed.

§ 2. The criminal courts in the county of Kane, shall hereafter be held in said county on the first Monday of November in each year, instead of the second Monday in November, as provided in said act.

APPROVED February 11, 1853.

In force Feb. 11, 1853. AN ACT to prohibit corporations from interposing the defence of usury in any action.

Corporation not  
to interpose de-  
fence of usury.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That no corporation shall hereafter interpose the defence of usury in any action.

Definition of the  
term "corpora-  
tion."

§ 2. The term corporation, as used in this act, shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations not possessed by individuals or partnerships.

§ 3. This act shall take effect from and after its passage.

APPROVED February 11, 1853.

AN ACT to add McDonough county to the fifteenth judicial circuit, and fixing the times of holding courts in said county. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act, the county of McDonough shall constitute part of the fifteenth judicial circuit; and the times for holding courts in said county, on the first Mondays in May and September in each year. McDonough attached to 15th circuit.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 11th, 1853.

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AN ACT for the assessment of property.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all property, whether real or personal, in this state; all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of persons residing in this state, or used or controlled by persons residing in this state; the property of corporations now existing or hereafter created, and the property of all banks, or banking companies, now existing, or hereafter created, and of all bankers and brokers, except such property as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, or the value thereof, shall be entered on the list of taxable property, for that purpose, in the manner prescribed in this act. Property subject to taxation.

#### DEFINITIONS.

§ 2. The terms "real property" and "land," wherever used in this act, shall be held to mean and include not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but, also, all buildings, structures and improvements, and other fixtures, of whatsoever kind, thereon, and all rights and privileges belonging or in any wise pertaining thereto. The term "investments in bonds," wherever used in this act, shall be held to mean and include all moneys invested in bonds, of whatsoever kind, whether issued by incorporated or unincorporated companies, towns, cities, counties, states, or other corporations, or by the United States, held or controlled by persons residing in this state, whether for themselves, or as guardians, trustees or agents, on which the holder thereof is receiving or is entitled to receive interest. The term "investment in stocks," wherever used in this act, Real property.  
Investments in bonds.  
Investments in stocks.



shall be held to mean and include all moneys invested in the public stocks of this or any other state, or of the United States, or in any association, corporation, joint-stock company, or otherwise, the stock or capital of which is or may be divided into shares, which are transferable by the owner, without the consent of the other partners or stockholders, for the taxation of which no special provision is made by this act, held by persons residing in this state, either for themselves, or as guardians, trustees, or agents. The term "oath," wherever used in this act, shall be held to mean oath or affirmation. Every word in this act importing the masculine gender, may extend and be applied to females as well as males. The term, "personal property," wherever used in this act, shall be held to mean and include every tangible thing, being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property, as hereinbefore defined. The capital stock, undivided profits, and all other means, not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion, or interest in such stock, profits, or means, by whatsoever name they may be designated, inclusive of every share or portion, right, or interest, either legal or equitable, in and to every ship, vessel, or boat, of whatsoever name or description, used or designed to be used, either exclusively or partially, in navigating any of the waters within or bordering on this state, whether such ship, vessel, or boat shall be within the jurisdiction of this state, or elsewhere, and whether the same shall have been enrolled, registered or licensed at any collector's office, or within any county or collector's district in this state or not. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin, and bank notes in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand. The term "credits," wherever used in this act, shall be held to mean and include every claim or demand for money, labor, or other valuable thing, due or to become due, or every annuity, or sum of money receivable at stated periods, and all money invested in property of any kind which is secured by deed, mortgage, or otherwise, which the person holding such deed, or mortgage, or evidence of claim, is bound by any lease, contract or agreement, to reconvey, release, or assign, upon the payment of any specific sum or sums: *Provided*, that pensions receivable from the United States, or from any state, salaries or payments expected to be received for labor or services to be performed or rendered, shall not be held to be annuities within the meaning of this act. The term "prop-

Oath.

Personal property.

Moneys.

Credits.

Provided.



erty," wherever used in this act, shall be held to mean Term "property" defined.  
and include every tangible thing being the subject of ownership, whether animate or inanimate, real or personal.

#### PROPERTY EXEMPT FROM TAXATION.

§ 3. All property described in this section, to the extent herein limited, shall be exempt from taxation; that is to say— Exemption.

*First.* All lands donated for school purposes, and not sold or leased. All public school houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such building necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit. All colleges, academies; all endowments made for their support; all buildings connected with the same, and all lands connected with institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property, held under the authority of any college or university of learning. Schools, colleges, &c.

*Second.* All lands used exclusively as grave-yards, or grounds for burying the dead. Burial grounds.

*Third.* All government lands belonging to the United States, and all property, whether real or personal, belonging to this state, and all the swamp and overflowed lands belonging to the several counties of this state, so long as the same may remain unsold by such counties. Government and swamp lands.

*Fourth.* All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground on which such buildings are erected, not exceeding in any county ten acres. County property.

*Fifth.* All lands, houses, and other buildings belonging to any county, town, or city, used exclusively for the accommodation or the support of the poor. Alms houses.

*Sixth.* All buildings, with the furniture appertaining thereto, belonging to institutions of purely public charity, together with the lands actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions. Buildings of charitable institutions.

*Seventh.* All fire engines, and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meetings of fire companies, whether belonging to any town, or to any fire company organized therein. Fire apparatus.

*Eighth.* All market houses, public squares, or other public grounds, used exclusively for public purposes; and all works, machinery, and fixtures, belonging exclusively to any town or city, and used exclusively for conveying water to such town or city. Public grounds.

*Ninth.* No person shall be required to list a greater portion of any credits that he believes will be received or can be collected; nor any greater portion of any obligation given to secure the payment of rent, than the amount that shall have accrued on the lease, and shall remain unpaid at the time of such listing. No person shall be required to include in his statement, as a part of the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and property for taxation in this state, nor shall any partner be required to list or return any property, liability or supposed balance of said partnership due him, the property, effects, and credits of said partnership being listed by any other partner.

BY WHOM, WHERE, AND IN WHAT MANNER PROPERTY  
SHALL BE LISTED.

§ 4. Every person of full age and sound mind, not a married woman, shall list the real property of which he is the owner, situate in the town or district in which he resides, the personal property of which he is the owner, all moneys in his possession, money loaned or invested, and all other property of which he is the owner; and he shall also list all moneys invested, loaned, or otherwise controlled by him, as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited, subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic, whether in or out of such county. The property of every ward shall be listed by his guardian; of every minor child, idiot or lunatic, having no other guardian, by his father, if living, if not, by his mother, if living, and if neither father nor mother be living, by the person having such property in charge; of every wife, by her husband, if of sound mind, if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator; of corporations whose assets are in the hands of receivers, by such receivers; of every company, firm, body politic or corporate, by the president or principal accounting officer, partner, or agent thereof. Every person required to list property on behalf of others, by the provisions of this act, shall list it in the same county, town, or district in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying in each case the name of the person, estate, company or corporation to whom it belongs. Real

property shall be listed in the county, town, or district where it belongs; personal property, moneys, and credits, except such as is required to be listed otherwise, shall be listed in the county, town, or district where the owner resides; the property of banks or bankers, brokers, stock-jobbers, insurance or other companies, merchants, and manufacturers, shall be listed in the county, town or district where their business is usually done: *Provided*, that in the counties of the Military Tract owners of real estate shall not be compelled to return the same if they desire it go to sale, and so inform the assessor.

§ 5. Property held under a lease for a term exceeding ten years, belonging to the state, or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, and school and ministerial lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same, and shall be listed as such, by such person, or his agent, as in other cases.

§ 6. Each person required to list property, shall make out, sign and deliver to the assessor, when required, a certified statement of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, in his possession, or under the control of such person, which he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor. Personal property shall be listed with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

§ 7. Such statement shall truly and distinctly set forth:

*First.* The number of horses, and the value thereof.

*Second.* The number of neat cattle, and the value thereof.

*Third.* The number of mules and asses, and the value thereof.

*Fourth.* The number of sheep, and the value thereof.

*Fifth.* The number of hogs, and the value thereof.

*Sixth.* Every carriage and wagon, of whatsoever kind, and the value thereof.

*Seventh.* Every watch and clock, and the value thereof.

*Eighth.* Every piano forte, and the value thereof.

*Ninth.* The value of the goods and merchandise which such person is required to list as a merchant.

*Tenth.* The value of the property which such person is required to list as a banker, broker or stock-jobber.

*Eleventh.* The value of materials and manufactured articles which such person is required to list as a manufacturer.

*Twelfth.* The value of moneys and credits required to be listed.

*Thirteenth.* The value of moneys invested in bonds, stocks, joint-stock companies, or otherwise, which such person is required to list.

*Fourteenth.* The total value of all other personal property, including household furniture : *Provided*, that the value of such property shall be determined by the assessor.

False or fraudulent statement.

§ 8. If any person shall give a false and fraudulent list, or shall refuse to deliver to the assessor, when called on for that purpose, a list of his or her taxable property, as required by law, and the said assessor, as a penalty therefor, shall assess the property of such person at double its value ; and if said assessor shall neglect or refuse so to do, he shall be liable in each case to a penalty of fifty dollars, to be recovered at the suit of any person who may sue for the same.

When assessment too low, duty of assessor.

§ 9. If the assessor believes that any property has been valued at less than its true value, in accordance with the rules and customs of valuing property for taxation, he shall value and charge such property at its true value, and shall notify the person listing such property of such increased valuation.

#### RULES FOR VALUING PROPERTY.

Property, how valued.

§ 10. Each separate parcel of real property shall be valued at its true value in money, excluding the value of crops growing thereon ; but the price for which such real property would sell at a forced sale shall not be taken as the criterion of such value. Each tract or lot of real property belonging to this state, or to any county, city, town, or charitable institution, whether incorporated or unincorporated, and school or ministerial lands, held under lease for a term exceeding ten years, shall be valued at such price as the assessor believes could be obtained at private sale for such leasehold estate. Personal property of every description shall be valued at the usual selling price of similar property at the time of listing, and in the county where the same may then be ; and if there be no usual selling price known to the person whose duty it shall be to fix a value thereon, then at such price as it is believed could be obtained therefor in money at such time and place. Investments in bonds, stocks, joint-stock companies, or otherwise, shall be valued at the true value thereof in money. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof : *Provided*, that depreciated bank notes shall be entered at their current value. Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full price of the sum so payable ; if for a specific article, or for a specified number or quantity of any article or articles of property, or for a certain amount of labor done, or for ser-

Proviso.

VICES OF ANY KIND RENDERED, IT SHALL BE VALUED AT THE CURRENT PRICE OF SUCH PROPERTY, OR OF SUCH LABOR OR SERVICE, AT THE PLACE PAYABLE. ANNUITIES, OR MONEYS RECEIVABLE AT STATED PERIODS, SHALL BE VALUED AT THE PRICE WHICH THE PERSON LISTING THE SAME BELIEVES THEM TO BE WORTH IN MONEY.

#### OF DEDUCTIONS MADE FROM MONEYS AND CREDITS.

§ 11. In making up the amount of moneys and credits Deductions. which any person is required to list for himself, or any other person, company or corporation, he shall be entitled to deduct from the gross amount of moneys and credits, the amount of all *bona fide* debts owing by such person, company or corporation, to any other person, company, or corporation, for a consideration received; but no acknowledgment of indebtedness not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt within the meaning of this section; and so much only of any liability, as surety for others, shall be deducted as the person making out the statement believes the surety is legally and equitably bound to pay, and so much only as he believes such surety will be compelled to pay on account of the inability or insolvency of the principal debtor; and if there are other sureties, who are able to contribute, then only so much as the surety in whose behalf the statement is made will be bound to contribute: *Provided*, that nothing in this section shall Banks excluded. be so construed as to apply to any bank, company or corporation exercising banking powers or privileges.

§ 12. No person, company or corporation, shall be entitled to any deduction on account of any bond, note, or obligation of any kind, given to any mutual insurance company, nor on account of any unpaid subscription to any religious, literary, scientific, or charitable institution, or society; nor on account of any subscription to or instalment payable on the capital stock of any company, whether incorporated or unincorporated. Further exceptions.

#### OF LISTING AND VALUING THE PROPERTY OF MERCHANTS AND MANUFACTURERS, AND OF BANKERS, EXCHANGE BROKERS, AND STOCK-JOBBER.

§ 12. Every person that shall own, or have in his possession, or subject to his control, any personal property within this state, with authority to sell the same, which shall have been purchased in or out of this state, with a view to being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this state, for the purpose of being sold at any place within this Assessment of property of non-residents, bankers, manufacturers, &c.



state, shall be held to be a merchant; and when he shall be by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property appertaining to his business as a merchant; and in estimating the value thereof, he shall take as the criterion the average value of all such articles of personal property which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in business, and if not, then during such time as he shall have been so engaged; and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been in business, adding together such amount, and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided*, that no consignee shall be required to list for taxation the value of any property, the product of this state, which shall have been consigned to him for sale, or otherwise, from any place within the state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided*, he shall in either case have no interest in such property, or any profit to be derived from its sale; and the word *person*, as used in this and the succeeding sections, shall be held to mean and include firm, company and incorporation.

Who are manu-  
facturers.

Manufacturing  
stock included in  
assessment.

Products of this  
state excluded.

§ 14. Every person who shall purchase, receive or hold personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with the view of making a gain or profit by so doing, shall be held to be a manufacturer; and he shall, when he is required to make out and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the preceding section, of all articles purchased or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if he shall have been so long engaged in such manufacturing business, and if not, then during the time he shall have been so engaged: *Provided*, that from the value of property, being the product of this state, the merchant or manufacturer listing the same shall be entitled to deduct the amount owing by him for such property, or

for moneys invested therein: *And provided further*, that from the value of property, being the product or stock of this state, the farmer or dealer listing the same shall be entitled to deduct the amount owing by him for such property, or for moneys invested therein.

§ 15. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as a part of his manufacturer's stock, the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any parcel or parcels of real property,) including all tools and implements of every kind, used or designed to be used for the aforesaid purposes.

Machinery to be listed.

§ 16. Every person who shall have money employed in the business of dealing in coin, notes, or bills of exchange, or in the business of dealing in, or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writing obligatory, or stocks of any kind or description whatsoever, shall be held to be a banker, broker or stock-jobber; and he shall, when he is required to make out and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the thirteenth section of this act, of all moneys, notes, bills of exchange, bonds, stocks, or other property, appertaining to his business as a banker, broker, or stock-jobber, which he shall have had from time time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in such business, and if not, then during the time he shall have been so engaged.

What constitutes a banker, broker, &c.

Deliver to assessor statement of personal property.

§ 17. That when any person shall commence merchandising in any county after the first day of May in any year, the average value of whose personal property employed in merchandising shall not have been previously entered on the assessor's list for taxation in said county, said person shall report to the clerk of the county, who shall enter the same upon the tax list, the probable average value of the personal property by him intended to be employed in merchandising until the first of May thereafter, and shall pay to the collector of such county a sum which shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence merchandising as aforesaid, to the first of May next succeeding, shall bear to one year: *Provided*, that if the person so listing his merchant's capital shall present a *bona fide* receipt from the collector of any county in which such merchant's capital had been previously listed and taxed for the amount of the taxes assessed, and by him

Merchants to make additional report.

paid on the same capital for the same year, then and in that case it shall be a receipt from paying taxes again on such capital: *Provided further*, that if the tax list had been delivered to the collector before the receipt of such report, it shall be the duty of the clerk, within ten days after receiving any such report, to charge the same to the collector, and to notify such collector of the amount so charged, who shall collect and pay over said amount in like manner, as near as may be, as if it had been regularly entered on the tax list.

Bankers and brokers to make additional report.

§ 18. That when any person shall commence or engage in the business of dealing in stocks of any description, or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writing obligatory, as mentioned in the sixteenth section of this act, after the first day of May, in any year, the average value of whose personal property employed in such business shall not have been previously entered on the assessor's list for taxation in said county, such person shall report to the county clerk of the county the probable average value of the property by him intended to be employed in such business until the first day of May thereafter; which amount shall be entered on the tax list, and the taxes collected as in other cases.

Penalty for failure to report.

§ 19. That if any person shall commence or engage in the business of merchandising, banking, brokerage or stock-jobbing aforesaid, and shall not within one month thereafter list his property as before required, he shall forfeit and pay, in addition to the taxes authorized by law, a tax of two per cent. on the value of the personal property by him so employed, for the use of the county, to be charged and collected in like manner as other taxes; said value to be ascertained, as near as may be, by the assessor, or if he has made return of the assessment list, then by the clerk.

#### OF LISTING AND VALUING THE PROPERTY OF BANKS AND BANKING COMPANIES, AND OTHER CORPORATIONS.

Listing of property of banking companies and corporations.

§ 20. It shall be the duty of the president and cashier of every bank or banking company that shall have been or may be hereafter incorporated by the laws of this state, and having the right to issue bills for circulation as money, to make out and return to the bank commissioners, in the month of May annually, a written statement, containing the average amount of notes and bills discounted or purchased by such bank or banking company, which amount shall include all the loans or discounts of such bank or banking company, whether originally made or renewed during the year next preceding the first of May aforesaid, or at any time previous, whether made on bills of exchange, notes,

bonds, mortgages, or any other evidence of indebtedness, at their actual value in money, whether due previous to, during, or after the period aforesaid, and on which such bank or banking company has at any time reserved or received, or is entitled to receive any profit or other consideration whatever, either in the shape of interest, discount, exchange or otherwise. Stocks deposited with the state treasurer shall be valued at the rate at which they are deposited. The bank commissioners shall proceed to ascertain the amount of the property valued in accordance with the provisions of this act, and make return thereof to the auditor, who shall report the same to the clerk of the proper county, and said clerk shall enter the same on the tax list for taxation.

§ 21. To ascertain the amount of the notes and bills discounted and purchased, and all other effects or dues, of every description, belonging to such bank or banking company, and liable to taxation, there shall be taken as a criterion the average amount of the aforesaid items for each month during the year next previous to the time of making such statement, if such bank or banking company shall have been so long engaged in business, and if not, then during such time as such bank or banking company shall have been engaged in business; and the average shall be made by adding together the amount so found belonging to such bank or banking company in each month said bank or banking company was so engaged in business, and dividing the same by the number of months said bank or banking company was thus engaged in business.

Notes and bills discounted, amount how ascertained.

§ 22. The president, secretary, or principal accounting officer of every railroad company, turnpike or plank road company, insurance company, telegraph company, or other joint-stock company, except corporations whose taxation is specifically provided for by law, for whatever purpose they may have been created, whether incorporated by any law of this state or not, shall list for taxation, at its actual value, its real and personal property, moneys and credits, within this state, in the manner following:

Other companies to list.

In all cases return shall be made to the assessor of each of the respective counties where such property may be situated, together with a statement of the amount of said property which is situated in each county, town, city, or ward therein.

Return.

The value of all moveable property shall be added to the stationary and fixed property and real estate, and apportioned to such wards, towns, cities, and counties, *pro rata*, in proportion to the value of the real estate and fixed property in said ward, town, city or county. The capital stock of bridge companies shall be assessed in the town where their principal office is located.

Moveable property.

In case of false  
valuations.

If the county assessor to whom returns are made is of opinion that false or incorrect valuations have been made, or that the property of the corporation or association has not been listed at its full value, or that it has not been listed in the location where it properly belongs, or in cases where no return has been made to the county assessor, he is hereby required to proceed to have the same valued and assessed in the same manner as is prescribed in the several sections of this act regulating the duties of county assessors in cases of refusal or neglect to list property: *Provided*, that every agency of an insurance company, incorporated by the authority of any other state or government, shall return to the assessor of the county in which the office or agency of such company may be kept, in the month of May, annually, the amount of the gross receipts of such agency, which shall be entered on the tax list of the proper county, and subject to the same rate of taxation for all purposes that other personal property is subject to at the place where located.

#### ASSESSORS—THEIR DUTIES—WHEN PROPERTY TO BE ASSESSED, &C.

Assessment of  
real property.

§ 23. All property, except real property, shall be assessed annually; real property shall be assessed, as provided for by this act, in the year 1853, and every two years thereafter, until otherwise provided for by law.

Non-resident  
lands and lots.

§ 24. The treasurer of each county shall be *ex officio* the assessor. He shall, at the December term of the county court next succeeding his election, or so soon thereafter as practicable, execute and file with the clerk of the county court a good and sufficient bond, in addition to his bond as treasurer, in the penal sum of one thousand dollars, with security, to be approved by the county court, and conditioned for the faithful performance of all the duties required of him by law as such assessor. And every deputy assessor, or person appointed to the office of assessor to fill a vacancy, shall, before he enters upon the discharge of the duties of such assessor or deputy assessor, execute bond, and qualify in like manner as the assessor, and shall be entitled to the same compensation, and be subject to the same liabilities and penalties.

Assessor's official  
oath.

§ 25. Every assessor, before he enters upon the duties of his office, shall take and subscribe an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially, perform all the duties enjoined on him as such assessor.

If treasurer fails  
to give bond or  
take oath.

§ 26. If any person elected to the office of treasurer shall fail to give bond, or shall neglect or refuse to take an oath as required by this act, his office shall be considered vacant, and the county court shall fill such vacancy by



the appointment of some suitable person, who shall qualify and discharge the duties of such treasurer and assessor, in like manner as if he had been regularly elected to said office, until one is elected and qualified.

§ 27. If any assessor, for any cause whatever, shall be unable to perform the duties required of him within the time required by law, he may, by and with the advice and consent of the county court, appoint one or more suitable persons to act as deputies, and assist him in making such assessment: *Provided*, that in all such cases, the assessor shall designate the district or portion of the county bounded by township or section lines, which such deputy or deputies are authorized to assess, and each assessor and deputy assessor shall assess all the property required to be assessed within his district; and when real property is to be assessed, he shall list all such real property as residents within his district are required to list for taxation in such county, but he shall enter each tract or parcel of real property so listed and lying out of his district in a separate list, to the end that it may be easily compared, and the value corrected by the lists of other assessors in the same county; and when return is made to the principal assessor, he shall correct the lists, so as to prevent double assessments, and that the property may be listed at its true value: *Provided further*, that it shall be the duty of assessors to advise with and instruct their deputies as to the basis and rule of valuing property, so that the valuation of the property in the several districts will bear a just and equitable proportion to each other.

§ 28. The assessor shall, without delay, after being furnished with the necessary blanks, proceed to take a list of the taxable property in his town, and assess the value thereof, in the manner following, to wit:

He shall call at the office, place of doing business, or residence of each person required by this act to list property, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act; and the assessor, or the person listing the property, shall enter a true and correct statement of such property, and the value thereof, in a printed or written blank prepared for that purpose; which statement, after being filled out, shall be signed by the person listing the property, and delivered to the assessor.

§ 29. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office, usual place of residence or business of such person, a written or printed notice, requiring such person to make out and leave at the usual place of collecting taxes in that precinct, or at the office of said assessor, on or before some conve-

Assessor may appoint assistants.

When assessor to list.

Mode of assessment.

Should owner be sick or absent.

nient day named therein, a statement of the property which he is required to list, and shall leave with such notice a printed or written blank for the statement required of such person. The date of leaving such notice, and the name of the person required to list the property, shall be carefully noted by the assessor in a book to be kept for that purpose; and if any such person shall neglect or refuse to deliver the statement, properly made out and signed as required, the assessor shall make the assessment as required by this act.

Oaths, who shall administer.

§ 30. Assessors and deputy assessors, justices of the peace and clerks of the county courts, are authorized and empowered to administer any oath relating to the assessment of property required by this act.

Refusal to list property.

§ 31. In every case where any person shall refuse to make out and deliver to the assessor a statement of the personal property, moneys and credits which he is required to list, as provided by this act, the assessor shall, in every such case, proceed to ascertain the number of each description of the several articles of personal property subject to taxation enumerated in this act, the value thereof, the value of the personal property subject to taxation, other than enumerated articles, and the value of the moneys and credits of which a statement shall have been withheld as aforesaid, as the case may require; and to enable him so to do, he is hereby authorized to examine on oath any person whom he may suppose to have knowledge of the amount or value of the personal property, moneys or credits, which the person so refusing was required to list.

Refusal to give evidence.

§ 32. If any person who shall be required by the assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the assessor, or having been sworn, if he shall refuse to answer such questions as the assessor shall put to him touching the subject of inquiry, any justice of the peace of the town or district, to whom the assessor may make application therefor, shall summon such person to appear before him at such time as the assessor shall designate, and answer on oath all pertinent questions which may be put to him by the assessor or his order, touching the amount and value of the personal property, moneys and credits which the person required to list the same on oath has refused to list; and every constable and witness shall be subject to the same penalties for refusal or neglect to obey the process of such justice, as they are by law subject to for refusing to obey the process of justices of the peace in civil cases; and shall receive the same fees allowed for like services in civil cases, and such justice of the peace shall immediately proceed to enter judgment for all such fees and for his own costs in favor of the state of Illinois, against the person who shall have refused to make and deliver to the assessor a statement of the property

which, by this act, he was required to list, and proceed to collect and pay over the same, as in civil cases.

§ 33. Each county assessor shall, on or before the first day of September, annually, make out and deliver to the clerk of his county, in tabular form and alphabetical order, the names of the several persons, companies or corporations, in whose names any personal property, moneys or credits shall have been listed in his county, and separately, in appropriate columns, opposite each name, the number and value of all articles of personal property enumerated in this act, the value of all non-enumerated articles of personal property, other than the stock of merchants and manufacturers, the value of merchants' and manufacturers' stock, and the value of the moneys and credits listed by said persons.

Assessor to make  
out and deliver  
list to clerk.

§ 34. Any person feeling himself aggrieved by the assessment of his property; or of property which he is required to list, may, at the September term of the county court, or if the assessment lists are not returned at said term, then at the next term of said court after such assessment lists are returned to the clerk, apply to said court for a reduction of such assessment; and if the court shall be satisfied that the valuation of the property was too high, such deduction shall be made as the right of the case may require; but the court shall require the person making such application to prove the facts in the case by his own oath, or the oath of some credible witness. And if any person is assessed on property which he believes is not properly and legally liable to taxation he may make application as aforesaid, and the court may hear and determine the matter as in cases of over-assessment; but if the court shall decide that any such property is not liable to taxation, and the question as to the liability of such property to taxation has not been previously settled, the decision of said court shall not be final, unless approved by the auditor of public accounts; and it shall be the duty of the county clerk, in all such cases, to make out and forward to the auditor a full and complete statement of all the facts in the case. If the auditor is satisfied that such property is not legally liable to taxation, he shall notify the clerk of his approval of the decision of the court, and the said clerk shall correct the assessment accordingly. But if the auditor believes the court has erred in deciding that such property was not liable to taxation at the time of making the assessment, he shall advise the clerk of his objection to the decision of the court, and give notice to said clerk that he will apply to the supreme court, at the next term thereafter, for an order to set aside and reverse the decision of the county court. Upon the receipt of such notice, the clerk shall notify the person making the application there-

Remedy for  
excessive assess-  
ment.

of. And it shall be the duty of the auditor to file in the supreme court a certified statement of the facts certified by the clerk, as aforesaid, together with his objections thereto, and the court shall hear and determine the matter, as the right of the case may be.

Where property not listed by owner. § 35. In all cases where property is not listed by the owner, the assessor shall note opposite the name the words "by assessor."

Return of taxable property.

§ 36. Each county assessor shall, at the time he is required by this act to make his return of taxable property to the county clerk, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, and the clerk shall carefully file and preserve the same for one year thereafter.

Assessor's oath attached to return.

§ 37. Each county assessor shall take and subscribe an oath, which shall be certified by the magistrate or clerk administering the same, and attached to the return which he is required to make to the county clerk, in the following form, as near as may be :

I, ———, assessor in the county of ———, do solemnly swear that the value of all personal property, moneys and credits required to be listed for taxation by me, is truly returned and set forth in the annexed list, and that in every case I have diligently, and by the best means in my power, endeavored to ascertain the true amount and value of all taxable property, moneys and credits ; and that, as I verily believe, the full value thereof, estimated by the rules prescribed by said act, is set forth in the list aforesaid ; that in no case have I knowingly omitted to assess any property which by law I am required to assess, nor have I in any way connived at any violation or evasion of any of the requirements of the law in relation to the listing or valuation of property, moneys, or credits of any kind, for taxation.

In case of inability of assessor to ascertain value of property.

§ 38. In all cases in which county assessors are required, in consequence of the sickness or absence of the person whose duty it is to make out a statement of personal property, moneys and credits, or in consequence of his neglect or refusal to make out and deliver such statement, to ascertain the amount and value of such personal property, moneys and credits ; if the assessor shall be unable to obtain positive evidence of the amount and value of such property, moneys and credits, he shall return such amount and value as from general reputation and his own knowledge of facts and circumstances, he believes to be the full amount and value of such property, moneys and credits.

Assessor to deliver abstract to clerk.

§ 39. The assessor, or some suitable person employed by him for that purpose, shall add up the several columns containing the number and value of each article of property enumerated, the value of unenumerated articles, the

value of each of the other items of property enumerated in the seventh section of this act, and the total value thereof, and note the aggregate of each column at the bottom thereof, and shall make out and deliver to the clerk, with the assessment list, an abstract of the several footings on each page, showing separately the aggregate number and value of each enumerated article of property, and the value of each kind of all other property assessed. The correctness of such abstract shall be verified by the oath of the assessor or person who shall have made such additions.

#### REAL PROPERTY—HOW AND IN WHAT MANNER LISTED.

§ 40. It shall be the duty of each assessor, upon being furnished with the list and blanks provided for by this act, from actual view, or from the best sources of information that can be obtained, to determine, as nearly as practicable, the true value of each separate parcel of real property in his district or county, according to the rules prescribed by this act for valuing real property, and such value shall be noted opposite each parcel of real property, in a column provided for that purpose. Assessor to make list.

§ 41. The assessor shall add up the valuation of the real property, and shall set down in figures on each page the total value of the property listed thereon, and shall make out a statement showing the aggregate value of the lands, and the aggregate value of town lots. The assessor shall complete the assessment and make return thereof to the clerk of the county court, on or before the first Monday in September, annually. Statement and return.

§ 42. Each assessor shall take and subscribe an oath, which shall be certified to by the clerk or magistrate administering the same, and attached to the return which he is required to make to the county clerk, as near as may be, in the following form: Assessor's oath on return.

I, A. B., assessor of the county of —, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property subject to taxation within said county, (or district,) so far as I have been able to ascertain the same, and that the value attached to each parcel in said return is, as I verily believe, the full value thereof, estimated agreeably to the rules prescribed therefor in the act for the assessment of property, and the aggregate value, as set forth in the statement returned herewith, is true and correct, as I verily believe.

§ 43. Assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed; which account they shall verify under oath; and the county court, if they shall find such account to be correct, shall grant an order on the treasurer for the same; Assessors' accounts.



but in no case shall the assessor be entitled to compensation until he shall have filed his lists of assessments, the statements, and the books furnished him, in the office of the clerk: the lists to be accurately made out and added up; nor shall he be entitled to pay, unless he performed the labor and made return in strict compliance with the law: *Provided*, that in cases of sickness, or for other causes not the fault of the assessor, to be determined by the court on the affidavit of the assessor or other respectable person, a failure to complete the assessment within the time required by law shall not bar the assessor from receiving compensation, when the work is completed.

Informality.

§ 44. No assessment of property, or charge for taxes thereon, shall be considered illegal on account of any informality in making the assessment, or in the tax lists, or on account of the assessments not being made or completed within the time required by law.

County of clerk  
in office.

§ 45. Every county clerk, and every assessor who shall in any case refuse or knowingly neglect to perform any duty enjoined on him by this act, or who shall consent to or connive at any evasions of its provisions, whereby any proceeding required by this act shall be prevented or hindered, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the valuation be entered upon the tax list at less than its true value, shall, for every such neglect or refusal, be liable, individually, and on his official bond, for double the amount of the loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof, and may be removed from office, at the discretion of the county court.

to be no greater than  
the amount of  
the present sur-  
vey, now des-  
cribed.

§ 46. In all cases where any person, company, or corporation has, or may hereafter divide any tract of land into parcels less than the one-sixteenth part of a section, or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, with a view to sell said lands in such parcels, it shall be lawful for such person, company or corporation, to cause such lands to be surveyed, and a plat thereof made by the surveyor of the county where such lands are situated; which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots shall be numbered in progressive numbers, and the plat shall show the number and location of each lot, and the description of the tract of land of which such land is a part, and also the quantity of land in each lot. Said plat shall be certified to by the surveyor, and recorded in like manner as the plats of towns are required to be certified to and recorded.—

Lands described in any deed or conveyance, or for the purpose of taxation, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described.

§ 47. When lands heretofore have been, or may hereafter be subdivided into parcels less than one-sixteenth part of a section, or in such manner that they cannot be easily and properly described, without noting the metes and bounds of such tracts, it shall be the duty of the owner or owners thereof, when required so to do by the assessor, to cause the same to be surveyed, and the plat thereof recorded in like manner as is required in the foregoing section; and if such owner or owners shall refuse or neglect to cause such survey to be made within a reasonable time after being notified by the assessor, it shall be the duty of the assessor to cause such survey to be made and recorded; and the expense thereof to be returned by the assessor to the clerk, who shall add the same, together with the commissions for collecting, &c., to the tax assessed on such real property, and it shall be collected with and in like manner as the said tax; and when collected, shall be paid on demand to the persons to whom it is due: *Provided*, that the collector shall either file a receipt for the payment thereof with the treasurer, or shall pay the same into the county treasury, when he makes settlement for the county revenue, to be paid to the proper persons when called for.

Lands less than  
sixteenth of a sec-  
tion to be sur-  
veyed and re-  
corded.

§ 48. In all cases where the boundary lines of any county or counties cannot be correctly ascertained from the plats or maps of the original surveys, and such boundary lines not having been surveyed, it shall be the duty of the county court of the counties bounded by any such lines, jointly, to cause the same to be surveyed and located in accordance with the laws establishing such lines. They shall cause a plat or map to be made, showing the correct location of the line on each legal subdivision or tract of land through which such line may run; which plat, together with the field notes of such survey, shall be certified to by the surveyor making the survey, under oath, and forwarded to the auditor of public accounts, who shall cause the same to be filed and recorded in his office, and a correct copy thereof forwarded to the clerk of the county court of each of the counties bounded by such line. And said clerk shall cause such copy to be filed in his office, and recorded in a suitable record book, and the line thus surveyed shall be the true division line: *Provided*, that if the county court of any county bounded, in part or in whole, as aforesaid, shall neglect or refuse to comply with the requirements of this section within a reasonable time after being requested so to do by the auditor of public accounts,

County (lines).

it shall be the duty of said auditor to cause the said survey to be made, if in his opinion the public interest requires it. And the expenses of making any such survey, whether under the direction of the county authorities or of the auditor, shall be paid by the counties bounded by such line—one-half by each county.

Where tract lies  
in two counties.

§ 49. For the purpose of taxation, all tracts or parcels of land, not exceeding one-sixteenth part of a section, shall be assessed in the county where the greater part of said tract is situated; and the collector of said county shall have the same power and authority to collect the taxes due thereon as he would if the whole of said tract were within the limits of said county. And in all cases where any such tract or tracts shall be equally divided between two counties, and the owner thereof be a resident of either county, said land shall be assessed in the county in which the owner resides; but if the owner be not a resident of either county, then the auditor shall determine in which county the land shall be assessed: *Provided*, that if there be several tracts similarly situated, the auditor shall apportion them equally between the counties, as near as practicable: *Provided, furthermore*, that when a tract of land containing a half-quarter section, or more, is so divided by the county line that by subdividing it into quarter-quarter section lots, each county will be entitled to the taxes on one or more of said lots, then the tract shall be so divided.

Locations prior to  
May, '53.

Canal lands.

School and saline  
lands.

Internal improv't  
lands.

Land office ab-  
stracts.

§ 50. Government lands entered or located prior to the first day of May, A. D. 1853, shall be taxable for the year 1853; lands entered or located prior to the first day of May, A. D. 1854, shall be taxable for the year 1854, and so on annually thereafter. Land sold by the trustees of the Illinois and Michigan canal, shall be taxable from and after the time that full payment therefor is made. School, seminary and saline lands sold shall be taxable in like manner as the lands sold by the general government. Internal improvement lands sold prior to the first day of May, A. D. 1848, shall be taxable for the year 1853, and annually thereafter.

§ 51. On the first day of May in each year, or as soon thereafter as practicable, the auditor shall obtain from the several land offices in this state, abstracts of the lands entered and located, and not previously obtained, and shall, when necessary, obtain from the canal office abstracts of the canal lands sold. Upon the receipt of said abstracts, the auditor shall cause them to be transcribed into the tract books in his office, and shall, without delay, cause abstracts of the lands in each county to be made out and forwarded by mail to the county clerks of the several counties; and said clerk shall cause such abstracts to be transcribed into the tract book, and filed in their office.

§ 52. On the first Monday of May, A. D. 1853, and every two years thereafter, the clerk of the county court shall cause to be delivered to the assessor a book or books, properly ruled and headed, containing a list of the real estate in numerical order, with such blank columns as may be necessary, for the use of the assessor. The clerk, in making out said lists, shall take as his guide the assessment list of the previous year, and the list of subsequent conveyances: *Provided*, that the list of lands reported in the annual abstract shall be furnished to the assessor within five days from and after the time such abstract is received from the auditor's office.

Clerk to deliver  
list of real estate  
to assessor.

§ 53. Every person owning or holding real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year; and if any person shall sell and convey any real property on or prior to the first day of May next after the listing of such real property, he shall, when he lists his personal property for the year next after the listing of said real property, deliver to the assessor a statement setting forth the description of the property sold and conveyed, and the name of the purchaser, and he shall list all real property purchased by him during the said time; and the assessor shall make return thereof to the county clerk, who shall make the proper changes in the tax books. Real property shall in all cases be liable for the taxes thereon.

Owners on first of  
May liable for  
tax of year.

§ 54. The clerk of the county court shall annually, on the first Monday in May, furnish the assessor with a book or books, properly ruled and headed, for the abstract of the assessment of personal property, and shall, at the proper time, furnish such assessor with a list of the real estate that may have become taxable subsequent to the regular assessment of real estate; all property, except real property, shall be assessed annually; real property shall be assessed biennially: *Provided*, that real property becoming taxable after the regular assessment of real property, or that may have been omitted, shall be assessed for the current year at the same time that the personal property is assessed, and such property shall be re-assessed the next succeeding year with the regular assessment of real property.

Clerk to furnish  
assessor with  
abstracts of per-  
sonal property,  
&c.

§ 55. It shall be the duty of the auditor of public accounts to make out and forward to the clerk of the county court of the several counties, for the use of such clerks and other officers, suitable forms and instructions for carrying this act into effect; and all such instructions shall be strictly complied with by the officers in the performance of their respective duties, as required by this act. He shall give his opinion and advice on all questions of doubt as to the true intent and meaning of the provisions of this act.

Auditor to fur-  
nish forms and  
instructions.

§ 56. If the assessor should discover any real property subject to taxation, which has not been returned to him by the clerk, he shall assess such property, and enter the same on the assessment list. And if upon the return of such list to the clerk it shall appear that any such real property has not been returned by the auditor, it shall be the duty of the clerk to advise the auditor of the facts, describing the property so returned by the assessor, and the auditor shall ascertain the true condition of such real property, and advise the said clerk thereof, who shall correct the records of his office, in accordance with the facts in the case.

§ 57. It shall be the duty of the clerk, before delivering the list of real property to the assessor, to cause such list to be carefully compared with the lists of taxable real property on file in his office, and if it shall appear that any such property was omitted in the former assessment list, he shall correct the list designed for the assessor, so that said list may contain a full and complete abstract of all the taxable real property in the county.

§ 58. Assessors shall be allowed two dollars and fifty cents per day, for the time necessarily employed in making the assessment, including expenses and horse hire, to be paid out of the county treasury: *Provided*, that the county court may allow for any discount or loss, on account of a depreciation in the value of county orders, if in their opinion justice requires such allowance. And if said court shall be satisfied that any assessor has charged for time not actually and necessarily employed in the discharge of the duties of his office, or has consumed more time than was necessary with a view to increase his compensation thereby, said court shall make such deduction from the amount charged as may be reasonable and right. The clerk of the county court shall be allowed and paid out of the county treasury two cents per tract, and one cent per lot, for making out and comparing the abstract of lands and lots for the use of the assessor: *Provided*, that where a whole section, half section, quarter section, or half-quarter section is listed as the property of one person, company or corporation, the clerk shall so return it, and shall only be allowed pay for one tract; although such tract may have been purchased by such owner in several parcels, and at different times; and when all the town lots in any block shall be listed as the property of one person, company or corporation, it shall not be necessary to describe each lot, but such property shall be listed and assessed as blocks; and the clerk shall only be allowed the same pay for such blocks as he is allowed for town lots.

§ 59. This act shall apply to and be in force in all counties not adopting the act to provide for township organization, and shall be in force from and after its passage.

APPROVED February 12, 1853.



AN ACT to prevent the immigration of free negroes into this state. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That if any person or persons shall bring, or cause to be brought into this state, any negro or mulatto slave, whether said slave is set free or not, shall be liable to an indictment, and, upon conviction thereof, be fined for every such negro or mulatto, a sum not less than one hundred dollars, nor more than five hundred dollars, and imprisoned in the county jail not more than one year, and shall stand committed until said fine and costs are paid. Penalties.

§ 2. When an indictment shall be found against any person, or persons, who are not residents of this state, it shall be the duty of the court before whom said indictment is pending, upon affidavit being made and filed in said court by the prosecuting attorney, or any other credible witness, setting forth the non-residence of said defendant, to notify the governor of this state, by causing the clerk of said court to transmit to the office of the secretary of state a certified copy of said indictment and affidavit, and it shall be the duty of the governor, upon the receipt of said copies, to appoint some suitable person to arrest said defendant or defendants, in whatever state or county he or they may be found, and to commit him or them to the jail of the county in which said indictment is pending, there to remain and answer said indictment, and be otherwise dealt with in accordance with this act. And it shall be the duty of the governor to issue all necessary requisitions, writs, and papers to the governor or other executive officer of the state, territory, or province where such defendant or defendants may be found: *Provided*, that this section shall not be construed so as to affect persons, or slaves, *bona fide* traveling through this state from and to any other state in the United States. Indictment.  
Notify governor.  
Duty of governor or.  
Proviso.

§ 3. If any negro, or mulatto, bond or free, shall hereafter come into this state and remain ten days, with the evident intention of residing in the same, every such negro or mulatto shall be deemed guilty of a high misdemeanor, and for the first offence shall be fined the sum of fifty dollars, to be recovered before any justice of the peace in the county where said negro or mulatto may be found. Said proceedings shall be in the name of the people of the state of Illinois, and shall be tried by a jury of twelve men. The person making the information or complaint shall not be a competent witness upon said trial. Penalties.

§ 4. If said negro or mulatto shall be found guilty, and the fine assessed be not paid forthwith to the justice of the peace before whom said proceedings were had, it shall be the duty of said justice to commit said negro or mulatto to Guilty, to be delivered to sheriff.

the custody of the sheriff of said county, or otherwise keep him, her or them in custody; and said justice shall forthwith advertise said negro or mulatto, by posting up notices thereof in at least three of the most public places in his district, which said notices shall be posted up for ten days, and on the day and at the time and place mentioned in said advertisement, the said justice shall, at public auction, proceed to sell said negro or mulatto to any person or persons who will pay said fine and costs, for the shortest time; and said purchaser shall have the right to compel said negro or mulatto to work for and serve out said time, and he shall furnish said negro or mulatto with comfortable food, clothing and lodging during said servitude.

Sold at public  
auction.

Liable to second  
prosecution.

§ 5. If said negro or mulatto shall not within ten days after the expiration of his, her or their time of service as aforesaid, leave the state, he, she or they shall be liable to a second prosecution, in which the penalty to be inflicted shall be one hundred dollars, and so on for every subsequent offence the penalty shall be increased fifty dollars over and above the last penalty inflicted, and the same proceedings shall be had in each case as is provided for in the preceding sections for the first offence.

Appeal to circuit  
court.

§ 6. Said negro or mulatto shall have a right to take an appeal to the circuit court of the county in which said proceedings shall have been had, within five days after the rendition of the judgment, before the justice of the peace, by giving bond and security, to be approved by the clerk of said court to the people of the state of Illinois, and to be filed in the office of said clerk within said five days, in double the amount of said fine and costs, conditioned that the party appealing will personally be and appear before said circuit court, at the next term thereof, and not depart said court without leave, and will pay said fine and all costs, if the same shall be so adjudged by said court; and said security shall have the right to take said negro or mulatto into custody, and retain the same until the order of said court is complied with. And if the judgment of the justice of the peace be affirmed in whole or in part, and said negro or mulatto be found guilty, the said circuit court shall thereupon render judgment against said negro or mulatto and the security or securities on said appeal bond, for the amount of fine so found by the court, and all costs of suit, and the clerk of said court shall forthwith issue an execution against said defendant and security as in other cases, and the sheriff or other officer to whom said execution is directed shall proceed to collect the same by sale or otherwise: *Provided*, that this section shall not be so construed as to give the security on said appeal bond right to retain the custody of said negro or mulatto for a longer

Proviso.

time than ten days after the rendition of said judgment by said circuit court.

§ 7. In all cases arising under the provisions of this act, the prosecuting witness, or person making the complaint and prosecuting the same, shall be entitled to one half of the fine so imposed and collected, and the residue of said fine shall be paid into the county treasury of the county in which said proceedings were had; and said fines, when so collected, shall be received by said county treasurer and kept by him as a distinct and separate fund, to be called the "charity fund," and said fund shall be used for the express and only purpose of relieving the poor of said county, and shall be paid out by said treasurer upon the order of the county court of said county, drawn upon him for that purpose.

Prosecutor entitled to one half the fine.

Charity fund.

§ 8. If after any negro or mulatto shall have been arrested under the provisions of this act, any person or persons shall claim any such negro or mulatto as a slave, the owner, by himself, or agent, shall have a right, by giving reasonable notice to the officer or person having the custody of said negro or mulatto, to appear before the justice of the peace before whom said negro or mulatto shall have been arrested, and prove his or their right to the custody of said negro or mulatto as a slave, and if said justice of the peace shall, after hearing the evidence, be satisfied that the person or persons claiming said negro or mulatto, is the owner of and entitled to the custody of said negro or mulatto, in accordance with the laws of the United States passed upon this subject, he shall, upon the owner or agent paying all costs up to the time of claiming said negro or mulatto, and the costs of proving the same, and also the balance of the fine remaining unpaid, give to said owner a certificate of said facts, and said owner or agent so claiming shall have a right to take and remove said slave out of this state.

Owner to prove property.

§ 9. If any justice of the peace shall refuse to issue any writ of process necessary for the arrest and prosecution of any negro or mulatto, under the provisions of this act, upon complaint being made before said justice by any resident of his county, and his fees for said service being tendered him, shall be deemed guilty of nonfeasance in office, and upon conviction thereof punished accordingly; and in all cases where the jury find for the negro or mulatto, or that he, she or they are not guilty under the provisions of this act, the said justice of the peace shall proceed to render judgment against the prosecuting witness, or person making the complaint, and shall collect the same as other judgments: *Provided*, that said prosecuting witness, or person making said complaint, in case judgment is rendered against him, shall have a right to take an appeal

Penalty for refusal to act.

to the circuit court, as is provided for in this act in case said negro or mulatto is found guilty.

§ 10. Every person who shall have one-fourth negro blood shall be deemed a mulatto.

§ 11. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12.  
1853.

AN ACT to fix the time of holding courts in the first judicial circuit.

Times of holding  
courts.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly.* That the spring term of the first judicial circuit of this state shall be held as follows, viz: In the county of Morgan, on the third Monday in March; in the county of Scott, on the first Monday in April; in the county of Greene, on the second Monday in April; in the county of Macoupin, on the fourth Monday in April; in the county of Jersey, on the second Monday in May; in the county of Calhoun, on the third Monday in May, and in the county of Menard, on the fourth Monday in May. And the fall term of said circuit shall be held as follows, viz: In the county of Macoupin, on the first Monday in September; in the county of Greene, on the second [Monday] in September; in the county of Calhoun, on the third Monday in September; in the county of Jersey, on the fourth Monday in September; in the county of Menard, on the first Monday in October; in the county of Scott, on the second Monday in October, and in the county of Morgan, on the third Monday in October.

Process.

§ 2. All indictments, suits, causes, motions, recognizances, and other proceedings pending in said courts, shall stand for trial, hearing and judgment and disposition at the terms of the court fixed by this act, in the same manner and with like effect as if no change had been made in the times of holding said courts. All recognizances, writs and process heretofore or hereafter entered into, or issued, or returnable to the terms of the courts as hereafter arranged, shall be deemed and held to be returnable to the terms fixed by this act. New trials may be granted at the spring or fall terms of said courts in all cases, whenever the parties would be entitled to such new trial at the spring or fall terms as now authorized by law.

Notice.

§ 3. The secretary of state shall cause copies of this act to be transmitted to the clerk of the circuit court in each of said counties, immediately after the approval of this act.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to establish the seventeenth judicial circuit, and to fix the time of its holding courts in said circuit. Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Bond, Fayette, Montgomery, Christian, Shelby, Effingham, Moultrie, Macon and Piatt, shall compose a judicial circuit, to be called the seventeenth judicial circuit of the state of Illinois, and that circuit courts shall be holden at the respective county seats of the said counties at the times following, viz: In the county of Montgomery, on the first Monday of April and September; in the county of Bond, on the first Mondays thereafter; in the county of Fayette, on the Mondays thereafter; in the county of Effingham, on the Mondays thereafter; in the county of Shelby, on the Mondays thereafter; in the county of Moultrie, on the Mondays thereafter; in the county of Piatt, on the Mondays thereafter; in the county of Macon, on the Mondays thereafter, and in the county of Christian, on the Mondays thereafter.

§ 2. All writs, subpoenas, recognizances, and other process which have been or may be issued and made returnable to the terms of the circuit courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit court in said counties as herein required to be holden, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of the court required to be held under this act, in said counties, and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

§ 3. On the second Monday of March next, an election for a judge and state's attorney for said judicial circuit shall be holden, which shall be conducted and returns thereof made, certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges, as provided by the constitution, and until his successor shall be elected and qualified.



**Powers.** § 4. The said circuit judge, when elected, shall exercise all the powers, and perform all the duties, and have all the jurisdiction and authority now had, or hereafter to be required of, or exercised by circuit judges of this state under the constitution of this state, and shall receive the same compensation as other judges are entitled to receive by the constitution and laws of this state.

**Duties.** § 5. The state's attorney elected under this act shall discharge all the duties, and receive the like fees and compensation for services as such, as appertain to said office by the constitution and laws of this state.

**Notice.** § 6. It shall be the duty of the secretary of state to cause a certified copy to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices for said election to the sheriffs thereof respectively; which notices shall be posted up by them in the several precincts, in all respects in like manner as provided by the constitution and laws of this state for holding general elections thereof.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

in force Feb. 12, 1853. AN ACT to fix the time of holding circuit courts in the ninth judicial circuit, and to provide for holding certain special terms.

**SECTION 1.** *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the time of holding court in the several counties comprising the ninth judicial circuit shall be as follows: In the county of Kendall, on the second Monday in March and third Monday in September; in the county of Bureau, on the fourth Monday in March, and the first Monday in October, and on the second Monday in January: *Provided*, that when the business of said court will admit, it shall be lawful for the judge of said court, at any October term of said court, to cause an order to be entered upon the records of said court directing that the succeeding January term of said court shall not be holden, and when such order shall be entered, the January term mentioned in said order shall not be holden. In the county of Marshall, on the second Monday in April, and third Monday in October; in the county of Putnam, on the fourth Monday in April, and the second Monday after the third Monday in October; in the county of Livingston, on the first Monday after the fourth Monday

**Times of holding courts.**

in April, and on the second Monday in September; in the county of La Salle, on the second Monday in May, and the second Monday in November.

§ 2. The judge of said circuit may, when he shall deem Special term. it for the public interest, call a special term of said court, to be holden in any county of said circuit, for the transaction of either criminal, chancery, or common law business exclusively; and when a special term of said circuit shall be called for doing chancery business exclusively, no jurors shall be summoned, and when called for the purpose of trying common law cases exclusively, no grand jury shall be summoned to attend said term.

§ 3. All writs, subpoenas, recognizances, and other process Process. which may have been or may be issued or taken and made returnable to the terms of courts in said circuit, as heretofore required to be holden, shall be deemed to be returnable to said term of the court as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts as required to be holden under this act; and all proceedings pending in said court shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

§ 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Acts repealed.

§ 5. This act to take effect and be in force from and after its passage, but it shall not be construed so as to interfere with any special term of said court heretofore appointed by the judge of said court.

APPROVED February 12, 1853.

AN ACT to reduce the limits of the eighth judicial circuit, and to fix the In force Feb. 3, 1853. times of holding courts therein.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Sangamon, Logan, McLean, Woodford, Tazewell, De Witt, Champaign and Vermilion shall hereafter constitute the eighth judicial circuit; that the time of holding courts in said circuit shall be as follows, to wit: Eighth circuit.

SPRING TERM—Sangamon, on the third Monday of March; Logan, two weeks thereafter; McLean, one week thereafter; Woodford, two weeks thereafter; Tazewell, one week thereafter; De Witt, two weeks thereafter; Times of holding courts.

Champaign, one week thereafter; Vermilion, the Friday thereafter.

Summer term. SUMMER TERM—Sangamon, on the second Monday in June; and there shall be no grand jury at said summer term.

Fall term. FALL TERM—Logan, on the first Monday in September; McLean, one week thereafter; Woodford, two weeks thereafter; Tazewell, one week thereafter; De Witt, two weeks thereafter; Champaign, one week thereafter; Vermilion, the Friday thereafter; Sangamon, on the third Monday of November. That all process and the service thereof, which have been or may be hereafter made in conformity with the terms of the court as heretofore, and now fixed by law, shall be taken and held as conforming to the terms as fixed by this act; and that this act shall be in force from and after its passage.

APPROVED February 3, 1853.

1853. In 1853, Feb. 12, AN ACT to change the limits and fix the time for holding courts of the fourth judicial circuit.

Fourth circuit. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Edgar, Clark, Crawford, Lawrence, Richland, Clay, Jasper, Cumberland and Coles shall hereafter compose the fourth judicial circuit; and that the circuit courts shall be holden at the respective county seats of the said counties at the times following, to wit: In the county of Crawford, on the first Monday of March and September; in the county of Lawrence, on the first Mondays thereafter; in the county of Richland, on the first Mondays thereafter; in the county of Clay, on the first Mondays thereafter; in the county of Jasper, on the Fridays thereafter; in the county of Cumberland, on the Wednesdays thereafter; in the county of Coles, on the Mondays thereafter; in the county of Edgar, on the Mondays thereafter; in the county of Clark, on the second Mondays thereafter.

Process. § 2. All writs, subpoenas, recognizances and other process which may have been or may be issued and made returnable to the terms of the circuit court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit court in said counties as herein required to be holden, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of the court required to be held under

this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in times of holding said courts.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to provide for bringing actions at law or in chancery against rail- In force Feb. 12, 1853.  
road companies.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That actions at law or in chancery may be brought against any railroad company in any circuit court, in any county in this state through which any railroad of such company may be located. Suits may be brought.

§ 2. In all cases at law or in chancery, any person may commence an action or actions against any railroad company by filing in the clerk's office of the circuit court in which said action or actions shall be instituted, a declaration or bill in chancery, as the case may be, and by giving notice to said company of the filing of said declaration or bill in chancery, by at least four successive publications of said notice in a weekly newspaper published in the county (or if no newspaper be published in the county, then in the newspaper published in the nearest county,) where said action shall be brought, the first of which publications shall be at least sixty days previous to the first day of the next succeeding term of said court. Notice. Publication.

§ 3. In all cases instituted under the provisions of this act, the said circuit court shall have the same power and authority to hear and determine the same, as in other cases at law or in chancery, and the filing of a declaration or bill in chancery, and the publication of notice, as in the second section of this act named, shall be deemed and taken as sufficient notice to said railroad company of the pendency of said action. Powers.

§ 4. All judgments and decrees recovered against any railroad company as aforesaid, shall have the same force and effect as other judgments at law or decrees in chancery. Effect.

§ 5. This act shall take effect and be in force from and after its passage.

§ 6. All actions instituted under the provisions of this act shall be commenced and prosecuted in the counties where the cause of action accrued, and not otherwise. Actions.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT respecting the practice in chancery in cases in the seventh judicial circuit in this state.

**SECTION 1.** *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all chancery cases pending in any of the courts of the seventh judicial circuit of this state, motions for the dissolution of injunctions, appointment of receivers and guardians *ad litem*, demurrers to bills, and other pleadings, exceptions, petitions, and all interlocutory motions, may be filed by the parties and heard by the presiding judge of said circuit, at his chamber in vacation, and the decree, judgment or order of the judge on such hearing shall be immediately transmitted by him to the clerk of the court wherein such suit is pending, and entered by said clerk, as soon as received by him, upon the record of said court, and take effect from the time of such entry: *Provided,* that if any mistake shall be made by said clerk in the entry of such order, decree or judgment, the same may be corrected on motion of any party to said suit, made either to the judge in vacation or to the court wherein such suit is pending, at its next ensuing term.

**§ 2.** Any party to a suit in chancery, pending in any of the courts of said circuit, wishing to bring on for hearing in vacation any motion, petition, demurrer or exception, as provided in the foregoing section, may do so by serving upon all the parties to such suit, who are to be affected by such motion, petition, exception or demurrer, a copy of said motion, petition, exception or demurrer, accompanied with notice in writing of said party's intention to bring the same on for hearing in vacation, and stating the time and place of such hearing; which said copy and notice shall be served at least ten days previous to the day fixed for such hearing.

**§ 3.** It shall be the duty of the presiding judge of said circuit, at the next term of court which he may hold in each county in said circuit, after the passage of this act, to cause an entry to be made upon the record of said circuit courts, designating at least two days in each month in vacation as motion days, for the hearing of matters contemplated by this act, and all notices of such hearings shall fix upon one of said motion days as the time for the hearing of the matter in said notice mentioned.

**§ 4.** Appeals and writs of error may be prosecuted from all judgments, orders or decrees rendered upon any hearing in vacation, under the provisions of this act, in the same manner and to the same extent as though such proceeding were had at a regular term of the court where such suit is pending.

**§ 5.** This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.



AN ACT to alter the boundaries of the towns of Earl and Meriden, in the county of La Salle. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the east half of congressional township No. thirty-six (36) north, range No. two (2,) east of the third principal meridian, be attached to and hereafter form a part of the town of Earl, in the county of La Salle. Boundary.

§ 2. The passage of this act shall not effect rights heretofore acquired, or liabilities heretofore incurred. Effect.

APPROVED February 12, 1853.

AN ACT regulating the collection of the revenue, in counties adopting the township organization law. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county revenue shall be collected in gold and silver coin, county orders and jury certificates, and in no other currency; the revenue for state purposes shall be collected in gold and silver coin, and auditor's warrants, and in no other currency; and state taxes, levied for any special purpose, other than to defray the ordinary expenses of the state government, shall be collected in gold and silver coin, and in no other currency. Funds receivable.

§ 2. The treasurer of each county shall be the county collector, and his refusal to qualify and act as such shall vacate his office of treasurer, which shall be filled as in other cases of vacancy. Treasurer collector.

§ 3. Said collector shall, at the September meeting of the board of supervisors, annually, and before he enters upon the duties of his office as collector, execute a bond, in addition to his bond as treasurer, in a penalty of at least double the amount of the state taxes to be collected in the year next thereafter, with two or more securities, who shall be residents of the said county, and owners of real estate equal in value to the amount specified in the bond; which amount shall be determined and which bond shall be approved by the board of supervisors, and shall be witnessed by at least one witness who can write his name, and be substantially in the following form, to wit:

“Know all men by these presents, that we A. B., collector, and C. D. and E. F., securities, all of the county of —, and state of Illinois, are held and firmly bound to the people of the state of Illinois in the penal sum of — dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors When bond to be given.  
Bond.

and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this — day of —, 18—.

Conditions.

“The condition of the foregoing bond is such, that if the above bound A. B. shall perform all the duties required to be performed him, as collector of the taxes for the year 18—, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and monies belonging to said county, or to the state, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

A. B. [L. S.]

C. D. [L. S.]

E. F. [L. S.]

Witness.

“Signed, sealed, and delivered in presence of me,  
G. H.”

Oath.

He shall also take and subscribe an oath, to be indorsed on the back of the bond, before some person authorized to administer oaths, that he will faithfully, diligently and impartially, to the best of his judgment and ability, perform all the duties required of him by law, as such collector.

Bond not void.

§ 4. Bonds given in pursuance of this act shall not be considered void, nor shall any security be released from any liability thereon, in consequence of any informality in the assessment, or in making out the assessment lists, nor of any change or alteration in the law made by the general assembly, although the same may be made after the execution of said bond.

Bond approved.

§ 5. The collector's bond shall be approved by the board of supervisors, and shall be correctly copied and entered on the records of said board, and forthwith mailed to the auditor of public accounts, with the certificate of the clerk, under the seal of his office, showing that said bond has been duly approved and recorded. Said bond, when approved and recorded, shall be a lien against the real estate of such collector, until he shall have complied with the conditions thereof.

Non-resident tax list.

§ 6. On the first Monday of November, annually, or as soon thereafter as the collector shall be qualified, the clerk shall deliver the tax lists or books containing the non-resident tax list to said collector, and shall take from him duplicate receipts, setting forth the amount of state, county and special tax, charged for said year, one of which shall be forwarded to and filed in the office of the auditor of public accounts, and the other in the office of the county clerk. All taxes shall be considered due from and after the time that the tax books are required to be delivered to the collector.

When taxes due.

§ 7. The clerk shall compute the amount of taxes due on each tract or parcel of land, on each town lot or block, and on each person's personal property, placing the amount of such tax in the proper columns opposite the value thereof, in all cases rejecting the fractions of cents, and shall add up the figures showing the amount of such tax, in the proper columns, and the aggregate amount in each column shall be noted on each page. Said clerk shall test the accuracy of such additions, by computing the amount of tax on the aggregate value of property on each page, that he may be certain that the tax has been correctly extended and added.

Clerk  
tax. compute

§ 8. In all cases when any real property has heretofore been, or may hereafter be forfeited to the state for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year, to add the amount of back tax and fees remaining due on such real property, with ten per cent. interest thereon, to the tax of the current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected.

Back tax added.

§ 9. The clerk shall annually make out for the use of the town collector correct lists of the property assessed to residents, which lists shall set forth, in alphabetical order, the names of the persons owing tax on personal property in each collector's district, the aggregate value of such property assessed to each person, and the amount of tax due thereon, and such other facts as may be required by the forms and instructions provided for by this act; he shall make out the abstracts of real property in numerical order, which shall show the name of the person to whom each tract or lot is assessed, the value of each tract or lot, and the amount of taxes thereon; which list shall be made out in strict conformity with the forms and instructions furnished by the auditor. He shall also make out in like manner, for the use of the county collector, abstracts of the real property listed as non-resident property.

Tax lists for town  
collectors.

Non-resident list.

§ 10. When the books or lists for the collector are completed, the clerk shall make out a complete abstract, showing the aggregate number and value of each kind of personal property enumerated in the assessment list; the value of unenumerated articles; the value of goods and merchandise; the value of property listed by bankers, brokers and stock jobbers; the value of property listed by manufacturers; the value of moneys and credits; the value of moneys invested in bonds, stocks, joint stock companies, &c.; the value of property listed by banks; the value of lands, and the value of town and city lots; the amount of state tax due thereon, and the rate of taxation

Abstract  
amount  
how made. of  
tax.

for county and other special purposes. The value of the property assessed to non-residents, and the amount of tax thereon, shall be stated separately from the non-resident tax. The correctness of said abstract shall be certified to by the clerk, with the seal of his office attached, and forwarded to the auditor's office by mail. A true copy of said abstract shall be entered on the records of said court. If any clerk shall knowingly make a false or incorrect abstract of the value of taxable property, he shall be deemed guilty of perjury and punished accordingly.

Treasurer to collect.

§ 11. The collector of each county, upon receiving the assessment list of the non-resident property from the clerk of the county court, and giving a receipt for the same, shall collect the taxes charged upon said lists, from the persons owing the same, and he shall give such persons receipts therefor.

Delinquent list.

§ 12. On or before the third Monday in April annually, the collector shall make out and file with the county clerk a statement in writing, setting forth the value of property and the amount of tax thereon in each town that has been returned to him by the town collectors as delinquent; and also a list of the errors in the non-resident list, showing a description of the property and the amount of tax charged in error, and the cause of error; the truth of said statement and list shall be verified by the oath of such collector. At the April meeting of the board of supervisors he shall settle with and allow the collector credit for such abatements as he may be legally entitled to, and the clerk shall certify the value of the property upon which the taxes are so abated, and the amount of the state tax charged thereon, to the auditor of public accounts, who shall allow the collector credit for the amount so certified: *Provided*, that if the auditor shall have reason to believe that the amount stated in said certificate is not correct, or that the allowance was illegally made, he shall return the same for correction; if there be no meeting in April the clerk shall certify the value of property and the amount of the state tax charged on the list of abatements filed by the collector, to the auditor, who shall allow the collector credit for the same, subject to the further action of the board, and said board shall examine and act upon the said list at their first term thereafter, and their action shall be certified by the clerk to the auditor, who shall adjust the account of the collector, as provided for in this act.

Certificate of abatements.

Jurisdiction of county courts.

§ 13. The county courts of the several counties in this state shall have original jurisdiction of suits for taxes due on real property, whether such courts be sitting for the transaction of county or probate business.

Property liable for taxes.

§ 14. Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes

levied on personal property, but the tax on personal property shall not be charged against real property, except in cases of removals, or where said tax cannot be made out of the personal property.

§ 15. If the taxes on any town or city lot or lots shall remain unpaid on the third Monday in April next after said taxes become due, the collector shall advertise, obtain judgment and sell such lots in like manner as is provided for by this act for advertising, obtaining judgment and selling non-resident delinquent lands. And if any such lots be forfeited to the state, as is provided for in the case of delinquent lands, the clerk shall certify to the auditor the amount of state tax charged on the lots so forfeited, and the auditor shall allow the collector credit therefor, and charge the same to the collector for the following year. The board of supervisors shall allow the collector credit for the amount of taxes charged for county, town, and other special purposes, on the lots forfeited to the state, including the printer's fee thereon. Town and city lots shall be sold annually, in the month of May next after the taxes become due, or as soon thereafter as practicable. Town lots, how sold.

§ 16. If the taxes on any tract or parcel of land, other than town or city lots, shall remain unpaid on the first day of May next after such taxes become due, said collector shall make out and file with the clerk of the county court a true and correct list of said lands, setting forth the name of the owner, or person in whose name the said property is taxed, a description of the property, the value of each tract or parcel, and the amount of taxes charged thereon, together with the aggregate value and amount of tax due on such list; and he shall attach to and file with said list an affidavit, which shall be in the following form, to wit: List of lands.

"I, A. B., collector in and for the county of \_\_\_\_\_, do solemnly swear that the list to which this affidavit is attached is true and correct, and that the taxes thereon, as set forth in said list, are unpaid, and that I have used due diligence to collect said taxes, and that the aggregate amount therein stated remains due and unpaid, as I verily believe." Oath.

Said list shall be examined by the county clerk, and all errors therein corrected; and the collector shall be allowed credit in his settlement for the amount of county tax, including road, school, and other special county tax due thereon. The clerk of the county court shall, within ten days after the filing of said list, make out a true and correct copy thereof, in manner and form as may be required by the auditor of public accounts, and shall forward the same to said auditor, to be filed in his office. Duty of clerk.

§ 17. The clerk of the county court shall make out and deliver to the collector, on or before the fifteenth day Clerks' duty.



Collector settle.

of May annually, the statements, certificates and lists appertaining to the settlement of the accounts of such collector; which statement, certificates and lists shall be made out in proper form, under seal of said court, securely enveloped and sealed. The collector shall deliver the package received from the clerk as aforesaid, at the office of the auditor, and make a final settlement of his accounts, and pay the amount due the state into the state treasury, on or before the first day of June next after receiving the tax books. At the time of making the settlement, the clerk shall deliver to the collector a memorandum showing the net amount collected, as per said settlement; and if any clerk shall neglect or refuse to make out and deliver the statements, certificates, and lists as required by this act, on demand of the collector, he shall be liable for all damages sustained by such collector, or his securities, by reason of such neglect or refusal.

Penalty.

Auditor's duty.

§ 18. If any collector shall refuse, fail or neglect to make settlement and pay the full amount due from him to the state into the state treasury, as is or may hereafter be required by law, it shall be the duty of the auditor of public accounts, and he is hereby authorized and required to issue a warrant, under his hand and seal of office, directed to the sheriff of the proper county, (if there be no sheriff then to the coroner, and if there be no sheriff or coroner, then to some suitable person, appointed by said auditor as especial agent for that purpose,) commanding him to levy and collect such sums as shall remain due from such collector, and pay the same into the state treasury, as required by law. Said auditor shall attach to every such warrant a correct statement of the account of such collector, as charged on the books in his said office. The warrant aforesaid shall have the same force and effect as executions issued by the circuit courts.

Warrant to be executed.

§ 19. The officer or agent to whom such warrant shall be directed shall immediately cause the same to be executed, and the money collected out of the goods and chattels, lands and tenements of such collector, and make return of such warrant to the said auditor, and pay the amount collected, after deducting his commissions and fees, into the state treasury, within forty days from the issuing of such warrant: *Provided*, that if any warrant issued by the auditor shall be lost or destroyed, the auditor shall issue a duplicate warrant, bearing date at the time of issuing the same. The officer or agent collecting money on any warrant issued as aforesaid, shall be allowed the same commissions and mileage that would have been allowed to the collector had he paid over the funds as is required by law, and such fees as is allowed by law to sheriffs for serving executions, advertising property, &c., which fees shall be

Fees.

charged and collected in like manner as fees on executions are charged and collected.

20. The coroner or agent to whom any warrant shall be issued in pursuance of this act, shall indorse thereon the facts in the case, and if it shall appear that the whole or any part of the sum due remains unpaid, and that the collector has no goods and chattels, land or tenements in his county, out of which to make the amount remaining due, or any part thereof, the auditor shall cause suit to be commenced on the bond of such collector, at the first term of the supreme court held at the seat of government, or of the Sangamon county circuit court, thereafter. Indorse facts.  
Bond to be sued.

§ 2. In all cases where special agents are appointed, as provided for in the foregoing sections, the auditor shall require such agents to file with the clerk of the county court of the proper county a bond, with one or more securities, to be approved by the county judge, in a penal sum of at least double the amount to be collected, and made payable to the people of the state of Illinois, and conditioned for the faithful performance of the duties required of him by this act. And if any sheriff or coroner shall neglect or refuse to comply with the requirements of this act, he shall be liable on his official bond for all damages caused by such refusal or neglect, and if any sheriff or coroner shall knowingly make a false return on any warrant issued by the auditor as aforesaid, he shall be deemed guilty of perjury, and shall be punished accordingly. — Agents appointed to execute any warrant issued by the auditor as provided for by this act, who may file bond and accept such appointment, shall be entitled to like compensation, and shall be liable to like penalties as the sheriff or coroner. And if any sheriff, coroner or agent shall collect moneys due the state, and fail or neglect to pay the same into the state treasury as required by law, he shall pay, for the use of the state, ten per cent. per month damages, from the time he should have paid over said money until paid: *Provided*, that in cases of sickness, or other reasonable excuse, to be verified by the oath of the person so failing to pay, and the payment being made within a reasonable time, the auditor may remit such damages. But if such coroner or agent shall apply or use any funds collected by him and belonging to the state for his own benefit, or the benefit of any other person, or in any other way or manner than is provided for by law, such coroner or agent shall be deemed guilty of embezzlement, and on conviction thereof shall be punished accordingly. Agent to give bond.  
Penalty.  
Not to use funds.

§ 22. The auditor of public accounts shall file the list of delinquent lands upon which the taxes remain due and unpaid, and shall add to the amount of tax charged on each tract ten cents, to be collected and paid into the state Duty of auditor.

treasury. Any person desiring to pay the taxes due on said lands may pay the same into the state treasury at any time before the first day of August next, after the said taxes become due. If the taxes on any such lands shall remain due and unpaid after the first day of August aforesaid, the auditor shall add fifty per cent on the amount of taxes due on each tract to said taxes, and the aggregate thereof shall be charged and collected. Any person may redeem said lands by paying the amount charged as aforesaid into the state treasury, at any time before the first day of November thereafter.

Duty of auditor.

§ 23. On the first day of November, annually, or as soon thereafter as practicable, the auditor of public accounts shall make out and transmit by mail to the clerk of the county court, to be filed in the office of said clerk, a correct list of all the lands which had been returned as delinquent, and upon which the taxes remained unpaid on the first day of November.

Duty of county treasurer.

§ 24. The collector shall add fifty per cent. on the taxes remaining due at the time of filing the list with the clerk and—for which he may be allowed credit—on the tax charged on each tract of land, and the aggregate thereof shall be collected and paid over to the state and county, according to the rate of taxation for that year. Any person desiring to redeem or pay the taxes on such lands in the county after the first day of May, may do so by paying the amount charged as above set forth to the collector. at any time before the first day of November thereafter. When said collector shall receive the tax on any tract of land or town lot, subsequent to the first day of May aforesaid, he shall set forth the amount so received opposite the tract or lot so redeemed, in a column provided for that purpose, and shall note the date of such payment opposite such tract or lot on the list of delinquent lands and lots aforesaid, and shall file said lists with the clerk, on or before the first day of November aforesaid.

Tax received noted.

List to be compared.

§ 25. The clerk shall carefully compare the delinquent list returned by the auditor with the list returned by the collector, and if there be any lands or lots upon which the taxes have not been paid, he shall add the amount due thereon to the tax due on such land and lots for the next succeeding year, and shall make up a true and correct list of such lands and lots, which shall be delivered to the collector with the tax books of the current year, or as soon thereafter as practicable; and the said collector shall collect the taxes thereon by sale or otherwise.

Tax collected.

Lands and lots to be sold.

§ 26. When any person owning lands or town lots in any county in this state shall fail to pay the taxes assessed thereon, as provided for in the foregoing sections, it shall be the duty of the collector to publish an advertisement in

some newspaper published in his county, if any such there be, and if there be no such paper printed in his county, then in the nearest newspaper in this state, which advertisement shall be once published at least four weeks previous to the term of the county court at which judgment is prayed; and said advertisement shall contain a list of the delinquent lands upon which the taxes remain due and unpaid, the names of owners, if known, the amount due thereon, and the years for which the same are due; and shall give notice that he will apply to the county court, at the — term thereof, for judgment against said lands for said taxes, interest and cost, and for an order to sell said lands for the satisfaction thereof; and shall also give notice, that on the first Monday next succeeding the day fixed by law for the commencement of the said county court, all the lands for sale of which an order shall be made, will be exposed to public sale at the place of holding court in said county, for the amount of taxes, interest and cost due thereon; and the advertisement published according to the provisions of this section shall be deemed and taken to be sufficient and legal notice both of the intended application of the collector to the county court for judgment, and also of the sale of lands under the order of said court: *Provided*, that if the publisher of such paper shall be unable or unwilling to publish said list and notice accurately and properly, the collector shall select some other newspaper, having due regard to the circulation of such paper.

Advertise.

Notice.

§ 27. Hereafter, no purchaser of any land or town lot at any sale of lands or town lots for taxes due, either to the state, or any county or incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or town lots so purchased, until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve or cause to be served a written notice of such purchase on every person in possession of such land or town lot, at least three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed, do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state

Constitutional provision.

to the county in which such lot or land is situated ; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance ; which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the record of the lands and lots sold for taxes and entries of redemption in the county where such lands or lots shall lie, to be by such officer entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from such tax sale, shall be permitted to redeem, he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice, and the expenses of making and filing the affidavit: *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall not exceed one dollar ; and when the notice contains more than four tracts or lots, then the printer shall be allowed twenty cents for each additional tract, and five cents for each additional town lot contained in such notice.

Fee.

Death of collector.

§ 28. In case of the death of any collector during the time the tax books are in his hands, and before the time specified in this act for making settlements, the clerk of the county court shall demand and take charge of the tax books, and shall appoint one or more competent persons to examine said tax books, and it shall be the duty of the persons so appointed to ascertain the amount remaining uncollected, and make out a correct abstract of the same: *Provided*, that should there be but a small portion of the taxes collected at the time of the death of the collector, then the amount actually collected shall be ascertained, and the same books used in completing the collections.

Vacancy, how filled.

§ 29. In case of a vacancy, as mentioned in the foregoing section, the board of supervisors may appoint a suitable person to complete the collections, who shall execute a bond, collect and pay over the taxes in the same manner, and his acts shall be as binding and effectual as the collector's would have been had he completed the collections ; and the collector so appointed may obtain judgment at any regular term of the county court, and sell delinquent lands



and lots in like manner as the collector would have been Who may sell. authorized to do had he completed such collections: *Provided*, that if the collector had advertised the delinquent land list before his death, it shall not be necessary for his successor, or the person appointed to complete the collections, to advertise, but he shall proceed to finish the collections in the same manner as the collector would have been authorized to do if he had lived.

§ 30. All suits or applications for judgment, and order of sale for taxes on delinquent lands and town lots, shall be made at regular terms of the county court, and the sale shall be made at the time specified in the notice, whether the court remain in session or not. When judgments obtained. If for any cause the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued; and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter, and if judgment is rendered the sale shall be made at the same time and in like manner as it would have been made if the suit had been commenced at that term.

§ 31. The printer publishing the list of delinquent lands Duty of printer. and town lots, shall transmit by mail or other safe conveyance to the collector, four copies of the paper containing said list. Upon the receipt of said paper, and on demand being made, the collector shall pay to the printer the amount of the fees allowed by law for publishing said lists and notice; and it shall be his duty to file one copy of said paper in his office and deliver one copy to the clerk of the county court, and one to the auditor of public accounts, and one copy to the state treasurer, who shall file and safely preserve them in their respective offices: *Provided*, that if said publication is not made in accordance with the requirements of the law, or the papers above mentioned are not furnished the collector before the first day of the term of the court at which judgment is prayed, the collector shall not pay said fees until they are collected by him.

§ 32. If any collector shall refuse or neglect to pay the Printer may sue. amount due the printer as required by this act, it shall be competent for the printer to collect the same in an action of debt against such collector.

§ 33. The collector shall file the list of delinquent lands Collector file list. and town lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, with the clerk of the county court, at least five days before the commencement of the term at which application for judgment is to made, and said clerk shall receive and record the same in a book to be kept for that purpose; which said book shall be ruled and headed as near as may be in the following form:



duty of the collector to report to the clerk a list of all the lands or town lots, as the case may be, upon which taxes have been paid, if any, from the filing of the list mentioned in the foregoing section up to that time; and the clerk shall note the fact opposite each tract upon which taxes have been paid. The collector, assisted by the clerk, shall compare and correct said list, and shall make and subscribe an affidavit, which shall be as near as may be in the following form :

"I, ---, collector of the county of ---, do solemnly Oath. swear, (or affirm, as the case may be,) that the foregoing is a true and correct record of the delinquent lands and town lots within the county of ---, upon which I have been unable to collect the taxes as required by law for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe."

Said affidavit shall be entered on the record at the bottom of the list, and signed by the collector; the oath may be administered by the judge, clerk or any justice of the peace, who shall attest the same.

§ 35. The court shall examine said list, and if defence or objection be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be, and shall direct the clerk to make out and enter an order for the sale of such real property, which shall be substantially in the following form :

Court render judgment.

"Whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against the said lands for the taxes, interest and cost due and unpaid thereon for the year or years herein set forth, therefore it is considered by the court that judgment be and is hereby entered against the aforesaid tract or tracts of land, or parts of tracts (as the case may be,) in favor of the state of Illinois, for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon; and it is ordered by the court that the said several tracts of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes, interest and costs annexed to them severally, be sold as the law directs."

§ 36. Said order shall be signed by the judge, and shall have the same effect as judgments and orders made by the circuit court. Persons aggrieved by any decision of the county court in such cases, shall have the right of appeal to the circuit court, by giving bond and security, payable

Judge sign order.

to the people of the state of Illinois, as required in cases of appeals.

Transcript of  
sales.

§ 37. The clerk of said court shall, within five days after any sale for taxes, make out and deliver to the collector a transcript of sales for taxes, which shall be written on foolscap paper, made up and stitched in book form, suitable for binding. Said collector shall deliver said transcript to the auditor at the time that he is required to make settlement for the state tax.

Lands and lots to  
be forfeited.

§ 38. Every tract of land or town lot offered at public sale for the taxes due thereon, and not sold for want of bidders, shall be and the same is hereby declared to be forfeited to the state of Illinois.

Clerk to certify.

§ 39. If any lands or town lots shall be forfeited to the state for taxes, it shall be the duty of the clerk of the county court to certify to the auditor of public accounts the assessed value thereof, and the amount of state tax charged thereon; and the auditor shall credit the collector with the amount of state tax due on said property, and the board of supervisors shall allow him credit for the printer's fees and county tax thereon.

Forfeited prop-  
erty, how re-  
deemed.

§ 40. If any person shall desire to redeem any tract of land or town lot forfeited to the state, he shall apply to the clerk of the county court, who shall issue his order to the collector, directing him to receive from such person the amount due on said tract or lot, particularly describing the property and setting forth the amount due, including the printer's fee; and upon presentation of said order to the collector he shall receive said amount and give the person duplicate receipts therefor, setting forth a proper description of the property and the amount received; one of which shall be countersigned by the clerk, and when so countersigned shall be evidence of the redemption of the property therein described, but no such receipt shall be valid until it is countersigned by the clerk; the other receipt shall be filed by the clerk in his office, and said clerk shall cancel the sale of the property so redeemed on the books in his office, and charge the amount of the redemption money to the collector.

Clerk certify.

§ 41. It shall be the duty of the clerk of the county court, annually, when he makes return of the amount of taxes levied to report the amount due the state on such forfeited property to the auditor of public accounts, who shall charge the same to the collector: *Provided*, that if the collector who received said redemption money shall be succeeded in office, he shall pay the amount in his hands over to his successor, who shall pay said amount into the state treasury when he settles for the taxes of the current year.

Auditor charge.

§ 42. The amount due on lands and lots, and remain- Tax to be added.  
 ing unpaid on the first day of November, shall be added to  
 the tax of the current year, and the amount thereof shall  
 be reported against the collector with the amount of the  
 assessment for said year; said collector shall collect and  
 pay over the said amount in like manner as other taxes,  
 and he is hereby authorized to advertise and sell said prop-  
 erty in the same manner as if said property had never  
 been forfeited to the state. Said additions and sales shall  
 be continued from year to year until the taxes on said prop-  
 erty is paid, by sale or otherwise: *Provided*, that at the  
 regular sale in the year 1855, and every five years there-  
 after, all the property previously forfeited and remaining  
 unredeemed, shall be sold to the highest bidder, but not  
 for a greater sum than is due thereon, including costs, &c.,  
 and the former sales of such property as will not sell shall  
 be cancelled: *Provided*, that if any person shall offer to  
 pay the taxes, interests and costs due on forfeited property  
 for a less quantity than the whole tract or lot, then such  
 property shall be sold to the person offering to pay the  
 amount due thereon, for the least quantity or part thereof.

§ 43. Real property sold under the provisions of this Redemptions,  
how made.  
 act may be redeemed at any time before the expiration of  
 two years from the date of sale, by the payment in specie,  
 to the clerk of the county court of the proper county, of  
 double the amount for which the same was sold, and all  
 taxes accruing after such sale, with ten per cent. interest  
 thereon from the day of sale, unless such subsequent tax  
 has been paid by the person for whose benefit the redemp-  
 tion is made; which fact may be shown by the collector's  
 receipt: *Provided*, that if the real property of any minor  
 heir, *femme covert* or lunatic be sold for taxes, the same  
 may be redeemed at any time within one year after such  
 disability be removed, upon the terms specified in this sec-  
 tion; which redemption may be made by their guardians or  
 legal representatives.

§ 44. The securities on any bond given in pursuance Securities pro-  
tected.  
 of this act, or either of them, may at any time after the  
 execution of said bond, if they, or either of them, have  
 good reason to believe that the officer in said bond is about  
 to fail to comply with the conditions thereof, file with the  
 clerk of the county court a notice in writing, verified by  
 the person asking to be discharged, setting forth the facts  
 in the case, and asking to be released from any further lia-  
 bility on said bond; whereupon the clerk with whom such  
 notice shall be filed, shall notify the said officer to give ad-  
 ditional security, equal to the security about to be ap-  
 proved by the board of supervisors, which notice may be  
 served by the said clerk, or by any person appointed Duty of clerk.  
 by them, or either of them. If the officer so notified



Securities pro-  
lected.

shall not appear and give additional security within two days from the time he may be so notified, the board of supervisors may remove him from office; and in all such cases said board shall appoint some suitable person to fill the vacancy occasioned by such removal, who shall execute bond, qualify and perform the duties required as such officer: *Provided*, that if the securities on any collector's bond, or either of them, shall be satisfied that such collector is making improper use of the funds collected by him, or has absconded, or is about to abscond, from this state, whereby said securities may become liable to pay any sum or sums of money, it shall be lawful for said security to sue out a writ of attachment against the goods and chattels of such collector, in like manner as he would be authorized to do if said collector was personally indebted to such security; and the money collected on any such attachment shall be paid into the treasury by the officer collecting the same, in like manner as if paid over by the collector.

Tax, Low refund-  
ed.

§ 45. If any real property shall be double assessed, or assessed before it become taxable, and the taxes so erroneously assessed shall have been paid, the board of supervisors, on application of the person paying the same, or his agent, and being satisfied of the facts in the case, shall cause said taxes to be refunded *pro rata* by the state and county; and if any collector shall receive the taxes properly due on any real property, and shall afterwards sell such property for said taxes, he shall refund to the purchaser thereof, if application be made within two years from the date of said sale, double the amount of purchase money. Any collector neglecting or refusing to pay as required by this section, shall be liable to the county in an action of debt, in any court having jurisdiction of the amount of said debt: *Provided*, that the county and the state shall refund in case of erroneous sales heretofore made, as provided for by the laws in force at the time of such sales.

Over-payment.

§ 46. If any collector shall have paid, or may hereafter pay into the state treasury, any greater sum or sums of money than is, or may be, legally and justly due from such collector, after deducting abatements and commissions, the auditor shall issue his warrant for the amount so overpaid, which shall be paid out of the fund or funds so overpaid, on the warrant of the auditor.

County tax.

§ 47. The board of supervisors shall have power to levy a tax in their respective counties for county purposes, but shall, in no case, exceed the amount of four mills on each dollar's worth of taxable property, unless specially authorized by law; and said county tax shall be levied at the September meeting of said board, or as soon thereafter as practicable, and collected with the state revenue. The same lien created to secure the state tax, and the pro-

visions made for the collection thereof, shall also exist and apply to the county revenue.

§ 48. Suits commenced by the auditor, as provided for Suits not to abate. in this act, shall not abate for the want of service on one or more of the defendants, but judgment may be rendered against such of said defendants as may have been legally notified: *Provided*, that suits may be prosecuted against the defendants not included in said judgment, at any subsequent term of said court: *Provided further*, that the provisions of this section shall not be so construed as to change the conditions of any bond executed prior to the passage of this act on suits in favor of the state, and against collectors or other persons indebted to the state. The state shall pay like fees as are or may be allowed by law in suits between individuals, and in all cases when the state is plaintiff she shall advance and pay such fees, in like manner as individuals are required to advance and pay fees. And when the state becomes the purchaser of real State pay fees. property sold on execution for any debt due the said state, the officer selling such real estate shall be entitled to like commissions as he would have been entitled to had such property been purchased by individuals. Said fees and commissions to be paid on the warrant of the auditor out of any money in the treasury not otherwise appropriated; and when such fees are collected they shall be paid into the state treasury. So much of this section as relates to fees shall apply to suits heretofore prosecuted, as well as to suits that may hereafter be commenced and prosecuted.

§ 49. The assessment shall be a lien on the personal property of all persons owing taxes from and after the time the Assessment a lien. assessment books are received by the collector, for the state and county tax due thereon, and no sale or transfer of such property shall affect the claim of the state or county, but the said property may be seized by the collector wherever found and removed if necessary, and sold to discharge the taxes of the person owing the same at the time of such assessment, together with the costs and charges of collection.

§ 50. Whenever the taxes on the same property shall Taxes twice paid. have been paid more than once, for the same year, by different claimants, the collector shall make a return to the clerk of the county court of all such surplus taxes so received by him, together with the names of the several claimants thus paying; and the clerk shall make a record of all such cases, and transmit a copy thereof to the auditor of public accounts, who shall charge such collector with the portion of such surplus taxes belonging to the state; but such surplus tax shall in no case be refunded.

§ 51. Whenever any person shall pay the taxes charged Receipt for tax. against him, the collector shall enter such payment in his list, and give the person paying the same a receipt, specifying

the name of the person for whom paid, the amount paid, what year paid for, and the property on which the same was assessed, according to its description on the assessment list.

Collector attend  
sale.

§ 52. The collector shall attend at the court house in his county, on the day specified in the notice for the sale of real estate for taxes, and then and there, between the hours of ten o'clock in the forenoon and six o'clock in the afternoon, proceed to offer for sale, separately, each tract of land or town lot in the said list on which the taxes and costs have been paid.

How sold.

§ 53. The person at such sale offering to pay the taxes and costs charged on each tract or lot, for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the east side of such tract or lot.

Sale continued.

§ 54. The collector shall continue such sale from day to day, until all the tracts of land or town lots contained in the delinquent list, on which taxes and costs remain unpaid, shall be sold or offered for sale.

Purchaser pay.

§ 55. The person purchasing any tract of land or town lot, or any part thereof, shall forthwith pay to the collector the amount of taxes and costs charged on said tract or lot, and on failure so to do, the said land or lot shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment is made.

Collector file affidavit.

§ 56. The collector shall obtain a copy of the advertisement of the delinquent lands and lots, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same shall have been published, and shall file the same with the clerk of the county court, on or before the first day of the term at which judgment is prayed.

Letters and figures.

§ 57. In all advertisements for the sale of lands for taxes, and in entries required to be made by the clerk of the court, or other officer, letters and figures may be used, as they have heretofore been used, to denote townships, ranges, sections, parts of sections, the year for which the taxes were due, and the amount of taxes, interest and costs.

Certificate of  
purchase.

§ 58. The clerk shall make out and deliver to the purchaser of any lands or lots sold for the payment of taxes as aforesaid, a certificate of purchase, to be countersigned by the collector, describing the land or lot sold as the same was described in the delinquent list, the amount of taxes and costs for which the same was sold, and that payment has been made therefor. If any person shall become the purchaser of more than one tract of land or lot, he may have the whole included in one certificate.

Assignable.

§ 59. Such certificate of purchase shall be assignable by indorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

§ 60. No sale of real estate for taxes shall be considered Validity. invalid on account of the same having been charged in any other name than that of the rightful owner, if the said real estate be in other respects sufficiently described, and the taxes thereon were due and unpaid at the time of such sale.

§ 61. The books and records belonging to the office of the clerk of the county court, or copies thereof, certified Records evi-  
dence. by said clerk, shall be deemed sufficient evidence to prove the sale of any land for taxes, the redemption of the same, or payment of taxes thereon.

§ 62. Whenever it shall be made to appear to the satisfaction of the clerk of the county court, before the execution of a deed for lands or lots sold for taxes, or if the deed be returned by the purchaser, that any tract or lot was sold which was not subject to be taxed, or upon which taxes had been paid previous to the sale, he shall make an entry opposite to such tracts or lots on the list of sales, that the same was erroneously sold, and such entry shall be evidence of the fact therein stated. Error sales can-  
celled.

§ 63. The receipt of the redemption money of any tract of land or lot, by any purchaser, shall operate as a release of all claim to such tract or lot, under or by virtue of the purchase. Effect.

§ 64. If any purchaser of lands sold for taxes shall suffer the same to be again sold for taxes before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the land until the expiration of two years from the date of the second sale; during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act, but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him, and double the amount paid by the second purchaser. Lands sold, ef-  
fect.

§ 65. If any collector, by himself or deputy, shall fail Collector must  
attend sale. to attend any sale of lands advertised according to the provisions of this act, and make sale thereof as required by law, he shall be liable to pay into the state and county treasury the amount of taxes and costs due upon the lands and lots so advertised, in the same manner as if they had been sold: *Provided*, that he may afterwards advertise and sell such delinquent property to reimburse himself for the amount advanced by him; but at no such sale shall there be any property forfeited to the state.

§ 66. No collector or treasurer shall, either directly or Not to buy. indirectly, be permitted to take, buy, shave or receive, by himself or agent, any auditor's warrant or warrants, or any county order, or jury certificate, at less than the full amount due thereon.

§ 67. On the first day of January next after taking the Duty of secretary  
of state. census in the state, or as soon thereafter as the returns of said census may be made to the office of the secretary of

Auditor.

School funds.

state, it shall be the duty of said secretary to make out and deliver to the auditor a correct statement of the number of white children in each county in this state, twenty years of age and under; the truth of said certificate shall be certified to by said secretary, and thereupon, under the supervision of the commissioners of the school fund, the auditor shall make a dividend to each county of the interest due upon the school, college and seminary fund, in proportion to the number of persons in each, of the age aforesaid; and dividends shall be made according to the proportion ascertained to be due to each county annually thereafter, until another census shall have been taken, and then apportionments shall be made and continued as aforesaid, according to the last census.

Auditor to certify.

§ 68. The auditor shall, within five days after ascertaining the amount due, as required in the foregoing section, make out and forward by mail to the school commissioner of each county an order on the collector for the amount due said county: *Provided*, that if the amount of interest due to any county shall exceed the amount of revenue, state tax, due from such county, then the auditor shall issue an order as aforesaid for the amount of revenue that he believes, from the returns of the assessment for that year, will be collected, and shall issue and forward with the order a warrant on the treasurer for the balance of interest that may due to such county, which shall be paid out of any moneys not otherwise appropriated.

Collector to pay.

§ 69. On or before the first day of April, annually, or so soon thereafter as the school commissioner shall present the order of the auditor, the collector shall pay to said commissioner the amount due thereon: *Provided*, that if the said collector has not collected a sufficient amount of state revenue to pay said order, and shall make oath of that fact, then he shall pay the amount that he has collected, and shall pay the remainder on or before the fifteenth day of May next thereafter; but if any collector shall refuse to pay the interest on the school fund as required by this section, and shall refuse to make oath as aforesaid, it shall be competent for the commissioner to proceed against such collector and his securities, in an action of debt in the county court, which court is hereby vested with full power and authority to hear and determine all such suits, render judgment and issue execution. Said collector shall be liable to pay the full amount stated in the order, notwithstanding he may not have collected that amount; and if any collector shall pay a portion of the amount due as aforesaid, and shall fail to pay the remainder as required by this section, the commissioner shall proceed against him as above provided for.

Refusal to pay,  
duty of school  
commissioner.



§ 70. Upon ascertaining the amount due to the state from any collector, or other person, the auditor shall give such person a statement of the amount to be paid, and upon the presentation of such statement to the treasurer, and the payment of the sum stated to be due, the treasurer shall give duplicate receipts therefor, one of which shall be filed in the auditor's office and entered in a book to be kept for that purpose, and the other shall be countersigned by the auditor and delivered to the person making the payment; and no payment shall be considered as having been made until the treasurer's receipt shall be countersigned by the auditor as aforesaid. When the list of delinquent lands is returned by the auditor for sale, he shall certify to the clerk the amount of the county's proportion of the tax paid into the state treasury, and the amount so certified shall be paid into the county treasury, out of the tax due from the collector to the state.

Payment into  
treasury.

Duty of auditor.

§ 71. The auditor of public accounts shall, as soon as practicable after the passage of this act, prepare and transmit to the several county clerks all such forms and instructions as he shall deem necessary to carry into effect its provisions. Said auditor shall cause to be printed, with the forms and instructions required by this section, a true and correct copy of this act, and shall forward a sufficient number thereof, for the use of the several county officers, to the clerk of the county court of each county, who shall deliver the same to the proper officers. The expenses of the printing required by this section shall be paid for as other printing ordered by this general assembly is paid for.

Law published.

§ 72. There shall be allowed and paid for services rendered in pursuance of this act, the following fees and compensation: To clerks of county courts, for making lists of delinquent lands for the auditor's office, three cents for each tract described in said list, to be paid for out of the state treasury, which shall be in full for comparing and correcting the collector's return of said delinquent lands to his office, as well as for making the list aforesaid, and comparing and certifying to the list for the use of the collector. For making record of delinquent lands and town lots for judgment, including the order of court, three cents for each tract, and one cent for each town lot. For making transcript of judgment for sale, three cents for each tract, and one cent for each town lot. For assisting the collector in selling lands and lots, twenty-five cents for each tract and five cents for each town lot, for which a certificate is given, to be charged and collected as costs. For making transcript of taxable real property for the assessor, two cents for each tract of land, and one-half cent for each lot, to be paid out of the state treasury. For comparing the assessor's return with the original list of real property, extending

Fees.

See  
act. assessment

the tax on each tract and lot, and adding up the aggregate amount of tax due thereon, two cents for each tract or subdivision, and one-half cent for each town lot; and for making copy of the assessment list for the collector, one cent for each tract and one-half cent for each town lot. For entering list of lands, furnished by the auditor, in the tract books, one cent for each tract. The same fees shall be allowed for computing the tax on each person's personal property, and for copying the same, as is allowed on town lots; all of which fees shall be paid out of the county treasury. The collector shall be allowed for making list of delinquent lands to be filed with the clerk, and adding up the amount of tax thereon, three cents for each tract, to be paid out of the state treasury. For selling lands and town lots, ten cents for each tract and three cents for each town lot sold, to be charged and collected as costs; but no costs except the printer's fees shall be charged or collected on any land or town lots forfeited to the state. Collectors shall be allowed a commission on all moneys collected of five per cent. on the first eight thousand dollars, and three per cent. on all additional sums collected by them, to be paid by the state and county in proportion to the amount of state and county tax collected; and the auditor shall allow said collector in his settlement, in addition to the commissions aforesaid, two dollars for every twenty miles necessary travel, in going to and returning from the seat of government, for the purpose of paying over the state tax. County treasurers shall be allowed a commission of one per cent. on all moneys, county orders and jury certificates received by them for county purposes, and one per cent. on all moneys paid out by them, but shall not be allowed any compensation for paying moneys over to a successor.

Penalty.

§ 73. If any officer shall fail or neglect to perform any of the duties required of him by this act, upon being required so to do by any person interested in the matter, he shall be liable to a fine of not less than ten dollars nor more than one hundred dollars, to be recovered in an action of debt in the circuit court of the proper county, and may be removed from office, if in the opinion of the court before whom such suit may be tried the circumstances require such removal; and any officer who shall knowingly violate any of the provisions of this act, shall be liable to a fine of not less than ten dollars nor more than one thousand dollars, to be recovered in an action of debt in any court having jurisdiction of the amount, and may be removed from office at the discretion of the court.

Rate of tax.

§ 74. The rate of taxation for state purposes for the year A. D. 1853, and forever thereafter, until otherwise provided by law, shall be two mills on every dollar's worth of taxable property, for the payment of the state debt, one

and one-half mills on every dollar's worth of taxable property for the payment of the interest on the state debt, and one mill on every dollar's worth of taxable property, for defraying the expenses of the government.

§ 75. This act shall apply to and be in force in the several counties adopting the act to provide for township organization, and shall be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to amend the 14th chapter of the Revised Statutes, entitled "Conveyances." In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That no deed, mortgage, or other instrument of writing, heretofore executed, or hereafter to be executed, by husband and wife, in good faith, for the purpose of conveying or incumbering the estate of the husband, or the estate of the wife, or the right of dower in any lands situate in this state, and acknowledged by them before any officer authorized by the laws of this state to take acknowledgments, shall be deemed, held, or adjudged invalid, or defective or insufficient in law, by reason of any informality or omission in setting forth the particulars of the acknowledgment before such officer as aforesaid, in the certificate thereof: *Provided*, however, that it appears in substance, from such certificate, that the parties executing said deed, mortgage or other instrument of writing, executed by the same, freely and voluntarily; and that in case of married women executing the same, it appear, in substance, that they knew the contents of said deeds, mortgages or other instruments of writing, and that they were examined by the officer aforesaid, separate and apart from their husbands. Acknowledgments.

§ 2. Nothing in the above section shall be so construed as to deprive the parties executing or having executed such deeds, mortgages, or other instruments of writing, of any legal equitable remedies now or hereafter existing, for avoiding or annulling such deeds, mortgages or other instruments of writing, on account of fraud, circumvention, duress, non-age, or any other legal personal disqualification. Rights of parties.

§ 3. This act to be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 10,  
1853.

AN ACT to increase the school fund.

Fines to constitute part of the school fund.

Proviso.

Repeal.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all fines collected by justices of the peace or other county officer, shall be paid to the school commissioner of the county in which the fines are collected, and be made a part of the school fund, and be distributed by said commissioner in the same manner as the state funds are by law now distributed: *Provided*, that nothing in this act shall be so construed as to require fines collected in incorporated towns and cities, for the violation of the by-laws or ordinances of said towns or cities, to be paid to said commissioner.

§ 2. That all laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 12, 1853. AN ACT making further provisions in relation to the institutions for the education of the deaf, dumb and blind.

Directors to be divided into classes.

Term of 1st class.

Term of 2d class.

Term of 3d class.

Proviso.

Number of trustees for blind.

Classes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the directors of the Illinois institution for the education of the deaf and dumb, shall be divided into three classes, to consist of four members in each. Those appointed during the present session of the general assembly, to compose the first class, shall serve two years; those of the second class four years, and those of the the third class six years, until successors are appointed and entered upon their duties, and thereafter the successors in each class serve two years, so that after the expiration of the term of service of those first appointed under the provisions of this act, those composing each class should serve two years, and until successors are appointed and entered upon their duties: *Provided*, that the principal of said institution shall continue to be a member of said board, and that a majority of the directors authorized to be appointed under this act shall reside without the county of Morgan.

§ 2. That the number of trustees of the institution for the education of the blind shall hereafter be six, inclusive of the principal, who shall, *ex officio*, be a member of the board. The said trustees shall be divided into two classes, to consist of three members in each; those appointed during the present session of the general assembly, to com-

pose the first class, shall serve two years, and those appointed to compose the second class shall serve four years, and until successors are appointed and enter upon their duties, and thereafter successors in each class shall serve two years, so that after the expiration of the term of service of those first appointed under the provisions of this act the successors in each class shall serve two years, Term of service. and until successors are appointed and enter upon their duties: *Provided*, that a majority of the trustees authorized to be appointed under this act shall reside without the county of Morgan. Proviso.

§ 3. The directors and trustees of said institutions for the education of the deaf and dumb and blind, respectively, shall meet for the transaction of business half yearly, and at such other times as may be necessary to a proper discharge of their duties; and the traveling and personal expenses incurred in attending the meetings by those residing out of the county of Morgan, shall be paid out of the funds of said institutions respectively, upon order of the board. Business. Expenses.

§ 4. The accounts of said institutions shall be settled with the governor quarterly; and at every settlement all money previously paid or advanced shall be fully accounted for, and the vouchers for the same filed with the auditor. Accounts.

§ 5. The acceptance of the office or place of director or trustee of any one of said institutions, or of the hospital for the insane, shall vacate the office or place previously held in either of said institutions.

§ 6. The law authorizing the members of said boards to fill vacancies in their respective bodies is hereby repealed, and vacancies shall hereafter be filled by the governor. This act shall take effect on its passage. Acceptance of office. - Vacancies.

APPROVED February 12, 1853.

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AN ACT to prohibit the sale of intoxicating drinks.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all laws, or parts of laws, which were in force in relation to the granting of license to persons for the purpose of retailing spirituous, vinous or mixed liquors, at the time of the passage of an act entitled "An act to prohibit the retailing of intoxicating drinks," approved February 1, 1851, be, and are hereby re-enacted and in full force and effect, as if never repealed: *Provided*, that no license shall be granted to any person for a less sum than fifty dollars, nor more Laws reenacted. Proviso.



Further proviso.

than three hundred dollars per annum. This act shall take effect from and after its passage. *And provided further*, that a grocery shall be deemed to include all houses and places where spirituous or vinous liquors are retailed by less quantity than one gallon. The act entitled "An act to amend an act to reduce the laws incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same," and to amend an act to charter the city of Peru, be and the same hereby is repealed, and the provisions therein repealed are hereby revived and re-enacted.

Acts repealed.

APPROVED February 12, 1853.

In force Feb. 8, 1853. AN ACT to change the name of Katherine Early to that of Katherine West.

Change.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the name of Katherine Early be and the same is hereby changed to that of Katherine West.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1853.

In force Feb. 10, 1853.

AN ACT to restore the right of citizenship to William Woodard.

Restored to citizenship.

SECTION. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That William Woodard, who plead guilty to an indictment for manslaughter at the December term of the circuit court, in Kane county, for the year of our Lord eighteen hundred and fifty-one, and who was sentenced to the penitentiary for the term of one year, and who has served out his sentence, be and is hereby restored to all the rights, privileges, franchises and immunities to which he became ineligible by reason of said sentence.

§ 2. This act shall be considered a public act, and shall be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to amend an act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same, approved June 22, 1852. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the twenty-fifth section of said act be and the same is hereby so amended as to authorize the auditor of public accounts to receive of the agent appointed by the governor to select and report the swamp and overflowed lands in the county of Iroquois, any number of townships said agent may report as complete, and pay the expense of selecting the same, at any time. Any number of townships may be reported, instead of receiving the reports of the county complete, as is now required by said act. Auditor to receive the reports of agents.

§ 2. To be in force and effect from and after its passage.

APPROVED February 3, 1853.

AN ACT to create the town of Pierce, in the county of De Kalb.

In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of the county of De Kalb known and described as township No. 39, in range five east of the third principal meridian, be and the same is hereby created and declared a separate and distinct township, to be designated and known by the name and style of the town of "Pierce." Town of Pierce.

§ 2. That the said town of Pierce shall be entitled to all the rights, privileges and immunities, exercise all the powers, and be subject to the same restrictions that attach to other towns organized in said county of De Kalb under the act providing for township organization. Rights, &c.

§ 3. The clerk of the county court of said county of De Kalb shall give notice to the inhabitants of said town of Pierce, by posting up three notices in three public places in said town of Pierce, at least fifteen days before the first Tuesday in April next, designating some suitable place in said town, when and where the first town meeting in said town shall be holden.

§ 4. It shall be the duty of the clerk of the county court of said county of De Kalb to register the name and boundaries of said town in the record provided for that purpose.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to change the name of Frank, therein named, to Frank Childs.

Change.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of "Frank" (a boy now living with Henry D. Childs, in Will county,) be and the same is hereby changed to that of Frank Childs, and by the said name of Frank Childs he shall be hereafter known and called.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

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In force Feb. 12, 1853. AN ACT to change the name of Elizabeth Hart to that of Elizabeth Hord.

Change.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Elizabeth Hart is hereby changed to that of Elizabeth Hord. This act to be in force from and after its passage.

APPROVED February 12, 1853.

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In force Feb. 12, 1853. AN ACT to change the name of Ensley Moore Goudy to that of Ensley Moore.

Change of name.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Ensley Moore Goudy, of Pike county, the adopted son of Joshua Moore, of said county, be changed to that of Ensley Moore.

Name changed.

§ 2. The said Ensley Moore shall be and he is hereby declared to be entitled to all the rights that would belong or pertain to him was he the natural son of the said Joshua Moore.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to change the name of Thomas Rockwood to that of Justice Beston. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Thomas Rockwood be and the same is hereby changed to that of Justice Beston. Change of name.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to amend section first of an act to amend the act entitled "Fees in force Feb. 11, and Salaries," chapter 41, Revised Statutes. 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of said section one as fixes the salaries of state's attorneys at two hundred and fifty dollars per annum be and the same is hereby repealed. Repealed.

§ 2. That the salaries of state's attorneys shall be five hundred dollars per annum, which shall be paid to the persons entitled thereto in quarter yearly instalments, on the warrant of the auditor, out of any moneys in the treasury not otherwise appropriated. Salary.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to legalize the assessment of a school tax and other purposes there- in named. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the school tax levied and assessed on the lands in school district number one, township thirteen north, and range five west of the third principal meridian, in Sangamon county, for the year A. D. 1852, by the inhabitants of said district, for the purpose of erecting a school house, is hereby legalized. Assessment legalized.

§ 2. That the directors of said district shall locate and erect or cause to be erected a school house with the said tax or moneys, when collected, at the nearest practicable point to the geographical centre of said district. To erect school house.

§ 3. This act to be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT entitled an act for the relief of John Cosby and James Cosby.

Preamble.

Whereas John Cosby and James Cosby became the securities on the official bond of William M. Finney, late collector of Pope county for the year 1847 and 1848; and whereas it appears that the said collector was robbed of all the public moneys in his hands; and whereas it further appears that the revenue of the year 1847 has been collected from the said John and James Cosby, by the sale of all their property, both real and personal, on execution, leaving them in a manner impoverished; therefore,

Release of liability.

Proviso.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That the said John Cosby and James Cosby be and they are hereby released from all liability on the said bond of 1848, or from the payment of any judgment heretofore rendered or to be rendered thereon, or execution issued or to be issued on said judgment: *Provided*, that nothing herein contained shall be so construed as to release the said William M. Finney, or any other person or persons, from his, her or their liability on said bond of 1848, or any judgment rendered thereon. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853.

AN ACT to change the name of Fevre river, in Jo Daviess county.

Change.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Fevre river, in Jo Daviess county, is hereby changed to that of Galena river.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 8, 1853. AN ACT to restore the rights of citizenship to certain persons therein named.

Restored to citizenship.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Le Roy Wheeler and Adam Snyder, who were sentenced to the penitentiary of this state at the October term of the circuit



court of Knox county, in the year one thousand eight hundred and forty-seven, and who served out said term, be and they are hereby restored to all the rights, privileges and franchises to which they became ineligible by reason of said sentence.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 8, 1853.

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AN ACT requiring compensation for causing death by wrongful act, neglect In force Feb. 12, 1853.  
or default.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the person who, or company, or corporation, which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Liable for damages.

§ 2. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem a fair and just compensation, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person, not exceeding the sum of five thousand dollars: *Provided*, that every such action shall be commenced within two years after the death of such person. In favor of whom actions to be brought.

§ 3. This act shall take effect immediately.

APPROVED February 12, 1853.

In force Feb. 10,  
1853.

AN ACT entitled "An act in relation to foreign guardians."

- SECTION 1.** *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That where any person residing in any other state of the United States, or any territory thereof, shall have been or may hereafter be appointed guardian, in the state or territory in which such person resides, of any infant or other person owning real estate within this state, not having any guardian in this state, it shall and may be lawful for every such guardian to file his or her petition in the circuit court of the county in which said real estate, or the major part thereof, may lie, for a sale of said real estate, for the purpose of educating and supporting such infant or other persons under guardianship, or for the purpose of investing the proceeds of such real estate in such manner as the court which appointed such guardian may order and direct; and the said circuit court is hereby fully authorized and empowered to order a sale of such real estate conformably to the prayer of said petition: *Provided,* that every such guardian applying for such sale, shall file with his or her petition an authenticated copy of his or her letters of guardianship: *And provided further,* that the said circuit court shall make no order for a sale under said petition until the said guardian shall have executed and filed in the court which appointed said guardian, a bond with sufficient security, approved by said last mentioned court, for the due and faithful application of the proceeds of every such sale, in such manner as the said last mentioned court may direct; an authenticated copy of which said bond, and the approval thereof, shall be deemed and taken by the circuit court as sufficient evidence of the execution and filing of the same.
- § 2.** Every guardian applying for an order of sale under the foregoing section, shall be required to give notice of his or her petition in the same manner as is now required by law in cases of application for sales of lands belonging to minors, by resident guardians; and in every order for the sale of real estate under this act, it shall be the duty of the court to prescribe the terms of said sale, and the notice which shall be given thereof, and the place where such sale shall be made.
- § 3.** All sales of real estate under the provisions of this act shall be and the same are hereby declared to be good and valid; and all deeds executed by such guardian to the purchaser or purchasers under such sales, shall convey to and vest in such purchaser or purchasers all the estate, right, title and interest, in law or equity, of said infant or others in and to the land so sold.
- § 4.** Every non-resident guardian as aforesaid shall be and hereby is authorized [and] empowered to prosecute

Guardian to sell  
real estate.

Provido.

Further provide.

Guardian to give  
notice.

Sales to be valid.

Guardian to prose-  
cute suits.

suits in the courts in this state, for the recovery of any moneys, demands, or other property due or belonging to their wards, and to receive and collect the same in the same manner as resident guardians: *Provided*, that such guardian shall, at the time of the commencement of any suits under this section, file in said court an authenticated copy of his or her letters of guardianship. Proviso.

§ 5 In all suits instituted under this act, said guardian shall give a bond for costs as in case of other non-residents. Bond for costs.

APPROVED February 10, 1853.

AN ACT regulating the collection of the revenue.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the county revenue shall be collected in gold and silver coin, county orders and jury certificates, and in no other currency; the revenue for state purposes shall be collected in gold and silver coin, and auditor's warrants, and in no other currency; and state taxes, levied for any special purpose, other than to defray the ordinary expenses of the state government, shall be collected in gold and silver coin, and in no other currency. Funds receivable.

§ 2. The sheriff of each county shall be the collector of taxes, and his refusal to qualify and act as such shall vacate his office of sheriff, which shall be filled as in other cases of vacancy. Sheriff collector.

§ 3. Said collector shall, at the December term of the county court, annually, and before he enters upon the duties of his office as collector, execute a bond, in addition to his bond as sheriff, in a penalty of at least double the amount of the taxes to be collected for that year, with two or more securities, who shall be residents of the said county, and owners of real estate equal in value to the amount specified in the bond; which amount shall be determined and which bond shall be approved by the county court, and shall be witnessed by at least one witness who can write his name, and be substantially in the following form, to wit: When bond to be given.

"Know all men by these presents, that we, A. B., collector, and C. D. and E. F., securities, all of the county of —, and state of Illinois, are held and firmly bound to the people of the state of Illinois in the penal sum of — dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors Bond.

and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this — day of —, 18—.

Conditions.

“The condition of the foregoing bond is such, that if the above bound A. B. shall perform all the duties required to be performed him, as collector of the taxes for the year 18—, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said county, or to the state, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

A. B. [L. s.]

C. D. [L. s.]

E. F. [L. s.]

Witness.

“Signed, sealed, and delivered in presence of me,  
G. H.”

Oath.

He shall also take and subscribe an oath, to be indorsed on the back of the bond, before some person authorized to administer oaths, that he will faithfully, diligently and impartially, to the best of his skill, judgment and ability, perform all the duties required of him by law, as such collector.

Bond not void.

§ 4. Bonds given in pursuance of this act shall not be considered void, nor shall any security be released from any liability thereon, in consequence of any informality in the assessment, or in making out the assessment lists, nor of any change or alteration in the law made by the general assembly, although the same may be made after the execution of said bond.

Bond approved.

§ 5. The collector's bond shall be approved by the county court, and shall be correctly copied and entered on on the records of said court, and forthwith mailed to the auditor of public accounts, with the certificate of the clerk, under the seal of his office, showing that said bond has been duly approved and recorded. Said bond, when approved and recorded, shall be a lien against the real estate of such collector, until he shall have complied with the conditions thereof.

Tax list.

§ 6. On the first Monday of December, annually, or as soon thereafter as the collector shall be qualified, the clerk shall deliver the tax lists or books to said collector, and shall take from him duplicate receipts, setting forth the amount of state, county and special tax, charged for said year, one of which shall be forwarded to and filed in the office of the county treasurer, and the other in the office of the county clerk.

Clerk compute tax.

§ 7. The clerk shall compute the amount of taxes due on each tract or parcel of land, on each town lot or block, and on each person's personal property, placing the amount of such tax in the proper columns opposite the value there-

of, in all cases rejecting the fractions of cents, and shall add up the figures showing the amount of such tax, in the proper columns, and the aggregate amount in each column shall be noted on each page. Said clerk shall test the accuracy of such additions, by computing the amount of tax on the aggregate value of property on each page, that he may be certain that the tax has been correctly extended and added.

§ 8. In all cases when any real property has heretofore been, or may hereafter be forfeited to the state for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year, to add the amount of back tax and fees remaining due on such real property, with six per cent. interest thereon, to the tax of the current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected.

§ 9. The clerk shall annually make out for the use of the collector correct lists of the property assessed; which lists shall set forth, in alphabetical order, the names of the persons owing tax on personal property in each collector's district, the aggregate value of such property assessed to each person, and the amount of tax due thereon, and such other facts as may be required by the forms and instructions provided for by this act; he shall make out the abstracts of real property in numerical order, which shall show the name of the person to whom each tract or lot is assessed, the value of each tract or lot, and the amount of taxes thereon; which list shall be made out in strict conformity with the forms and instructions furnished by the auditor, as required by this act.

§ 10. When the books or lists for the collector are completed, the clerk shall make out a complete abstract, showing the aggregate number and value of each kind of personal property enumerated in the assessment list; the value of unenumerated articles; the value of goods and merchandise; the value of property listed by bankers, brokers and stock jobbers; the value of property listed by manufacturers; the value of moneys and credits; the value of moneys invested in bonds, stocks, joint stock companies, &c.; the value of property listed by banks; the value of lands, and the value of town and city lots; the amount of state tax due thereon, and the rate of taxation for county and other special purposes. The correctness of said abstract shall be certified to by the clerk, with the seal of said court attached, and forwarded to the auditor's office by mail. A true copy of said abstract shall be entered on the records of said court. If any clerk shall knowingly make a false or incorrect abstract of the value of tax-

Back tax added.

Clerk to make tax lists.

Abstract of amount tax, how made.



able property, he shall be deemed guilty of perjury and punished accordingly.

**Collector to collect.** § 11. The collector of each county, upon receiving the assessment list from the clerk of the county court, and giving a receipt for the same, shall proceed to collect the taxes charged upon said list, by causing a printed notice to be posted up in three different places in each election precinct, and in three different places at the county seat; one of which shall be the door of the court house; and shall cause the same to be inserted in any newspaper published in such county, if any be published therein, for the space of three successive weeks, stating in such notice upon what day or successive days the collector will, by himself or agent, attend in such precincts, at the place of holding elections, or at some other equally public and convenient place named therein, for the purpose of receiving taxes; and the said collector or his agent shall attend for the purpose aforesaid, on the day and at the place named in such notice, and shall also attend, by himself or agent, at his office at the county seat, during the month of February, for the same purpose. The said notice shall be considered a demand for the taxes, and shall be a lien on the property of the person owing such taxes; which notice shall be posted up and advertised, as aforesaid, at least three weeks prior to the time specified for meeting in the precinct.

**Notice demand.** **Collector sell.** § 12. If any person shall fail to pay the taxes charged against him, on or before the first day of March next, after the publication of said notices, the collector may distrain his personal property, and proceed to sell the same as prescribed by this act: *Provided*, that if there be danger of loss by the removal or insolvency of any person owing taxes, the collector may distrain and sell property at any time after receiving the tax books.

**Failure to pay.** § 13. If any person owing taxes, and being a resident, shall fail or neglect to pay his taxes in the precinct at the time appointed by the collector, or at the office of said collector, before the first day of March, annually, he shall pay to the said collector a fee of fifty cents, in addition to the amount of his tax; and if any such person shall fail or neglect to pay the amount of his taxes and the fee aforesaid, the collector may levy upon, remove and sell a sufficient amount of the personal property of said person to pay the taxes and costs of sale, and all legal and proper charges for removing and taking care of the said property; and if said property shall sell for more than the amount of taxes and costs, the excess shall be paid, on demand, to the owner of the property: *Provided*, that the fee of fifty cents mentioned in this section shall not be charged in any case until after the expiration of one month after the meeting in the precinct.

§ 14. In levying on and selling property for taxes, the collector shall be governed by the same rules, and be entitled to the same fees, as constables are for like services on executions; but in no case shall any collector charge mileage unless he is compelled to distrain property. How sold.

§ 15. On or before the first day of June annually, the collector shall make out and file with the clerk of the county court, a statement in writing, setting forth the name of the person or persons charged with taxes on personal property, which he has been unable to collect, by reason of the insolvency or removal of such person, or in consequence of an error or errors in the assessment, or in the list furnished him; the cause of error, whether insolvent or removed, and the value of the property assessed, and the amount of tax due by said person; which list shall be made out in the form and according to the instructions that may be furnished, and the truth thereof shall be verified by the oath of such collector. Said list shall be laid before the county court at their June term, and if approved by said court, they shall make an order allowing said collector an abatement therefor, and the clerk shall certify the value of the property upon which the taxes are so abated, and the amount of the state tax charged thereon, to the auditor of public accounts, who shall allow the collector credit for the amount so certified: *Provided*, that if the auditor shall have reason to believe that the amount stated in said certificate is not correct, or that the allowance was illegally made, he shall return the same for correction; if there be no court held at the June term, then the clerk shall certify the value of property and the amount of the state tax charged on the list of abatements filed by the collector, to the auditor, who shall allow the collector credit for the same, subject to the further action of the court, and said court shall examine and act upon the said list at their first term thereafter, and their action shall be certified by the clerk to the auditor, who shall adjust the account of the collector, as provided for in this act. Delinquent list.  
Court allow.  
Auditor.

§ 16. The county courts of the several counties in this state shall have original jurisdiction of suits for taxes due on real property, whether such courts be sitting for the transaction of county or probate business. Jurisdiction of county courts.

§ 17. Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes levied on personal property, but the tax on personal property shall not be charged against real property, except in cases of removals, or where said tax cannot be made out of the personal property; but the collector may in all cases sell personal property for taxes due on real property. Personal property liable.

§ 18. If the taxes on any town or city lot or lots shall remain unpaid on the third Monday in April next after said Town lots sold.

taxes become due, the collector shall advertise, obtain judgment and sell such lots in like manner as is provided for by this act for advertising, obtaining judgment and selling delinquent lands. And if any such lots be forfeited to the state, as is provided for in the case of delinquent lands, the clerk shall certify to the auditor the amount of state tax charged on the lots so forfeited, and the auditor shall allow the collector credit therefor, and charge the same to the collector for the following year. The county court shall allow the collector credit for the county tax and printer's fees on the lots forfeited to the state. Town and city lots shall be sold annually, in the month of May next after the taxes become due, or as soon thereafter as practicable.

Collector to file  
land lists.

§ 19. If the taxes on any tract or parcel of land, other than town or city lots, shall remain unpaid on the first day of May next after such taxes become due, said collector shall make out and file with the clerk of the county court a true and correct list of said lands, setting forth the name of the owner, or person in whose name the said property is taxed, a description of the property, the value of each tract or parcel, and the amount of taxes charged thereon, together with the aggregate value and amount of tax due on such list; and he shall attach to and file with said list an affidavit, which shall be in the following form, to wit:

Oath.

"I, A. B., collector (or deputy collector, as the case may be.) in and for the county of ———, do solemnly swear that the list to which this affidavit is attached is true and correct, and that the taxes thereon, as set forth in said list, are unpaid, and that I have used due diligence to collect said taxes, and that the aggregate amount therein stated remains due and unpaid, as I verily believe."

Settlement.

Said list shall be examined by the county clerk, and all errors therein corrected; and the collector shall be allowed credit in his settlement for the amount of county tax, including road, school, and other special county tax due thereon. The clerk of the county court shall, within ten days after the filing of said list, make out a true and correct copy thereof, in manner and form as may be required by the auditor of public accounts, and shall forward the same to said auditor, to be filed in his office.

Delinquent list  
filed.

§ 20. If there be no court held at the proper time for settling and adjusting the accounts of the collector, it shall be the duty of the collector to file the lists with the clerk of the county court, who shall examine said lists and correct the same, in like manner as the county court is required to do. He shall make an accurate computation of the value of the property and the amount of the delinquent tax returned, for which the collector should have credit, and he shall forward the lists and statements required by this act within ten days from the time fixed by law for the

Certificate for  
warrant.

commencement of such term of the said court; and in all such cases the county court shall, at their first term thereafter, examine such settlement, and if they find it to be correct, they shall enter an order to that effect; but if they find that any omission or error has been made, they shall cause the same to be corrected, and a correct statement of the facts in the case forwarded to the auditor, who shall correct and adjust the accounts accordingly: *Provided*, that the collector shall make out, for his own use, correct copies of the list of delinquent lands and delinquent town lots filed by him with the clerk, and shall return the tax books to the clerk at the time of making settlement, to be filed and preserved in the office of said clerk. Said copies or lists shall be carefully compared and corrected, in like manner as the lists made out for the auditor's office, the correctness of which shall be certified to by the clerk; which list, when certified to as aforesaid, shall be a sufficient authority for the collector to collect the taxes due thereon: *Provided*, that the collector shall file with the clerk at the time of his settlement, a statement under oath, showing the amount of taxes collected by him on the delinquent land list during the month of May, and the clerk shall report the amount of state taxes so collected to the auditor with the statement of settlement.

Court examine.

List for collector.

§ 21. The clerk of the county court shall make out and deliver to the collector, on or before the fifteenth day of June annually, the statements, certificates and lists appertaining to the settlement of the accounts of such collector; which statement, certificates and lists shall be made out in proper form, under seal of said court, securely enveloped and sealed. The collector shall deliver the package received from the clerk as aforesaid, at the office of the auditor, and make a final settlement of his accounts, and pay the amount due the state into the state treasury, on or before the thirteenth day of June next after receiving the tax books. At the time of making the settlement, the clerk shall deliver to the collector a memorandum showing the net amount collected, as per said settlement; and if any clerk shall neglect or refuse to make out and deliver the statements, certificates, and lists as required by this act, on demand of the collector, he shall be liable for all damages sustained by such collector, or his securities, by reason of such neglect or refusal.

Clerk's duty.

Collector settle.

Penalty.

§ 22. If any collector shall refuse, fail or neglect to make settlement and pay the full amount due from him to the state into the state treasury, as is or may hereafter be required by law, it shall be the duty of the auditor of public accounts, and he is hereby authorized and required to issue a warrant, under his hand and seal of office, directed to the coroner of the proper county, (if there be no coroner

Proceedings, if collector fail to settle.

then to some suitable person, appointed by said auditor as especial agent for that purpose,) commanding him to levy and collect such sums as shall remain due from such collector, and pay the same into the state treasury, as required by law. Said auditor shall attach to every such warrant a correct statement of the account of such collector, as charged on the books in his said office. The warrant aforesaid shall have the same force and effect as executions issued by the circuit courts.

**Warrant to be executed.**     § 23. The coroner or agent to whom such warrant shall be directed shall immediately cause the same to be executed, and the money collected out of the goods and chattels, lands and tenements of such collector, and make return of such warrant to the said auditor, and pay the amount collected, after deducting his commissions and fees, into the state treasury, within forty days from the issuing of such warrant: *Provided*, that if any warrant issued by the auditor shall be lost or destroyed, the auditor shall issue a duplicate warrant, bearing date at the time of issuing the same. The coroner or agent collecting money on any warrant issued as aforesaid, shall be allowed the same mileage that would have been allowed to the collector had he paid over the funds as is required by law, and such fees as is allowed by law to sheriffs for serving executions, advertising property, &c; which fees shall be charged and collected in like manner as fees on executions are charged and collected.

**Fees.**

**Indorsement.**     § 24. The coroner or agent to whom any warrant shall be issued in pursuance of this act, shall indorse thereon the facts in the case, and if it shall appear that the whole or any part of the sum due remains unpaid, and that the collector has no goods and chattels, land or tenements in his county, out of which to make the amount remaining due, or any part thereof, the auditor shall cause suit to be commenced on the bond of such collector, at the first term of the supreme court held at the seat of government, or of the Sangamon county circuit court, thereafter.

**Special agents.**     § 25. In all cases where special agents are appointed, as provided for in the foregoing sections, the auditor shall require such agents to file with the clerk of the county court of the proper county a bond, with one or more securities, to be approved by the county judge, in a penal sum of at least double the amount to be collected, and made payable to the people of the state of Illinois, and conditioned for the faithful performance of the duties required of him by this act. And if any coroner shall neglect or refuse to comply with the requirements of this act, he shall be liable on his official bond for all damages caused by such refusal or neglect, and if any coroner shall knowingly make a false return on any warrant issued by the auditor

**Penalty.**



as aforesaid, he shall be deemed guilty of perjury, and shall be punished accordingly. Agents appointed to execute any warrant issued by the auditor as provided for by this act, who may file bond and accept such appointment, shall be liable to like penalties as the coroner. And if any coroner or agent shall collect moneys due the state, and fail or neglect to pay the same into the state treasury as required by law, he shall pay, for the use of the state, ten per cent. per month damages, from the time he should have paid over said money until paid: *Provided*, that in cases of sickness, or other reasonable excuse, to be verified by the oath of the person so failing to pay, and the payment being made within a reasonable time, the auditor may remit such damages. But if such coroner or agent shall apply or use any funds collected by him and belonging to the state for his own benefit, or the benefit of any other person, or in any other way or manner than is provided for by law, such coroner or agent shall be deemed guilty of embezzlement, and on conviction thereof shall be punished accordingly.

§ 26. The auditor of public accounts shall file the list Auditor. of delinquent lands upon which the taxes remain due and unpaid, and shall add to the amount of tax charged on each tract ten cents, to be collected and paid into the state treasury. Any person desiring to pay the taxes due on said lands may pay the same into the state treasury at any time before the first day of August next, after the said taxes become due. Non-resident tax If the taxes on any such lands shall remain due and unpaid after the first day of August aforesaid, the auditor shall add fifty per cent. on the amount of taxes due on each tract to said taxes, and the aggregate thereof shall be charged and collected. Any person may redeem said lands by paying the amount charged as aforesaid into the state treasury, at any time before the first day of November thereafter.

§ 27. On the first day of November, annually, or as soon thereafter as practicable, the auditor of public accounts shall make out and transmit by mail to the clerk of the county court, to be filed in the office of said clerk, a correct list of all the lands which had been returned to him as delinquent, and upon which the taxes remained unpaid on the first day of November. Auditor to make list.

§ 28. The collector shall add fifty per cent. on the taxes remaining due on the first day of June to the tax charged on each tract of land, and the aggregate thereof shall be collected and paid over to the state and county, according to the rate of taxation for that year. Any person desiring to redeem or pay the taxes on such lands in the county after the first day of June, may do so by paying the amount charged as above set forth to the collector, at any time before the first day of December thereafter. Collector's duty.

Tax on non-resi-  
dent list.

When said collector shall receive the tax on any tract of land or town lot, subsequent to the first day of June aforesaid, he shall set forth the amount so received opposite the tract or lot so redeemed, in a column provided for that purpose, and shall note the date of such payment opposite such tract or lot on the list of delinquent lands and lots aforesaid, and shall file said lists with the clerk, on or before the first day of December aforesaid.

List to be com-  
pared.

§ 29. The clerk shall carefully compare the delinquent list returned by the auditor with the list returned by the collector, and if there be any lands or lots upon which the taxes have not been paid, he shall add the amount due thereon to the tax due on such lands and lots for the next succeeding year, and shall make out a true and correct list of such lands and lots, which shall be delivered to the collector with the tax books of the current year, or as soon thereafter as practicable; but in all cases such lists shall be delivered prior to the time of meeting in the precinct, and the said collector shall place said lists in some conspicuous place at the house where he may be collecting, during the time he may remain at that precinct, so that each person may examine the same, and shall collect the taxes thereon by sale or otherwise.

Lands and lots to  
be sold.

§ 30. When any person owning lands in any county in this state shall fail to pay the taxes assessed thereon, as provided for in the foregoing sections, on or before the first day of March next after the list is returned by the auditor, it shall be the duty of the collector to publish an advertisement in some newspaper published in his county, if any such there be, and if there be no such paper printed in his county, then in the nearest newspaper in this state, which advertisement shall be once published at least four weeks previous to the term of the county court at which judgment is prayed; and said advertisement shall contain a list of the delinquent lands upon which the taxes remain due and unpaid, the names of owners, if known, the amount due thereon, and the year or years for which the same are due, and shall give notice that he will apply to the county court, at the — term thereof, for judgment against said lands for said taxes, interest and cost, and for an order to sell said lands for the satisfaction thereof; and shall also give notice, that on the first Monday next succeeding the day fixed by law for the commencement of the said term of the said county court, all the lands for sale of which an order shall be made will be exposed to public sale at the place of holding court in said county, for the amount of taxes, interest and cost due thereon; and the advertisement published according to the provisions of this section shall be deemed and taken to be sufficient and legal notice both of the intended application of the collector

Notice.

to the county court for judgment, and also of the sale of lands under the order of said court: *Provided*, that if the publisher of such paper shall be unable or unwilling to publish said list and notice accurately and properly, the collector shall select some other newspaper, having due regard to the circulation of such paper.

§ 31. Hereafter, no purchaser of any land or town lot at any sale of lands or town lots for taxes due, either to the state, or any county or incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or town lots so purchased, until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve or cause to be served a written notice of such purchase on every person in possession of such land or town lot, at least three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such lot or land is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the record of the lands and lots sold for taxes and entries of redemption in the county where such lands or lots shall lie, to be by such officer entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from such tax sale shall be permitted to redeem,

Constitutional provision.

Fees.

he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice, and the expenses of making and filing the affidavit: *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall not exceed one dollar; and when the notice contains more than four tracts or lots, then the printer shall be allowed twenty cents for each additional tract, and five cents for each additional town lot contained in such notice.

Death of collector.

§ 32. In case of the death of any collector during the time the tax books are in his hands, and before the time specified in this act for making settlement, the clerk of the county court shall demand and take charge of the tax books, and shall appoint one or more competent persons to examine said tax books, and thereupon shall forthwith notify the judge of said court of the fact, and said judge shall appoint two competent persons to examine said tax books, and it shall be the duty of the persons so appointed to ascertain the amount remaining uncollected, and make out a correct abstract of the same: *Provided*, that should there be but a small portion of the taxes collected at the time of the death of the collector, then the amount actually collected shall be ascertained, and the same books used in completing the collections.

Vacancy, how filled.

§ 33. In case of a vacancy, as mentioned in the foregoing section, the county court may appoint a suitable person to complete the collections, who shall execute a bond, collect and pay over the taxes in the same manner, and his acts shall be as binding and effectual as the collector's would have been had he completed the collections; and the court may, if the circumstances of the case require it, allow the said collector further time to complete the collections and make settlement, which shall not be for a longer time than three months over and above the time allowed to collectors by this act. And the collector so appointed may obtain judgment at any regular term of the county court, and sell delinquent lands and lots in like manner as the collector would have been authorized to do had he completed such collections: *Provided*, that if the collector had attended in the precincts for the purpose of collecting the taxes, or had advertised the delinquent land list before his death, it shall not be necessary for his successor, or the person appointed to complete the collections, to attend in said precincts or re-advertise, but he shall proceed to finish the collections in the same manner as the collector would have been authorized to do if he had lived.

Who may sell.

When judgments obtained.

§ 34. All suits or applications for judgment, and order of sale for taxes on delinquent lands and town lots, shall be made at regular terms of the county court, and the sale

shall be made at the time specified in the notice, whether the court remain in session or not. If for any cause the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued; and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter, and if judgment is rendered the sale shall be made at the same time and in like manner as it would have been made if the suit had been commenced at that term.

§ 35. The printer publishing the list of delinquent lands and town lots, shall transmit by mail or other safe conveyance to the collector, four copies of the paper containing said list. Upon the receipt of said paper, and on demand being made, the collector shall pay to the printer the amount of the fees allowed by law for publishing said lists and notice; and it shall be his duty to file one copy of said paper in his office and deliver one copy to the clerk of the county court, and one copy to the auditor of public accounts, and one copy to the state treasurer, who shall file and safely preserve them in their respective offices: *Provided*, that if said publication is not made in accordance with the requirements of the law, or the papers above mentioned are not furnished the collector before the first day of the term of the court at which judgment is prayed, the collector shall not pay said fees until they are collected by him.

Duty of printer.

§ 36. If any collector shall neglect or refuse to pay the amount due the printer as required by this act, it shall be competent for the printer to collect the same in an action of debt against such collector.

Printer may sue.

§ 37. The collector shall file the list of delinquent lands and town lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, with the clerk of the county court, at least five days before the commencement of the term at which application for judgment is to be made, and said clerk shall receive and record the same in a book to be kept for that purpose; which said book shall be ruled and headed as near as may be in the following form:

Collector file list.





duty of the collector to report to the clerk a list of all the lands and town lots upon which taxes have been paid, if any, from the filing of the list mentioned in the foregoing section up to that time; and the clerk shall note the fact opposite each tract upon which the taxes have been paid. The collector assisted by the clerk, shall compare and correct said list, and shall make and subscribe an affidavit, which shall be as near as may be in the following form:

"I, ———, collector of the county of ———, do solemnly <sup>Oath.</sup> swear, (or affirm, as the case may be,) that the foregoing is a true and correct record of the delinquent lands and town lots within the county of ———, upon which I have been unable to collect the taxes as required by law for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe."

Said affidavit shall be entered on the record at the bottom of the list, and signed by the collector; the oath may be administered by the judge, clerk or any justice of the peace, who shall attest the same.

§ 39. The court shall examine said list, and if defence <sup>Court render judgment.</sup> or objection be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be, and shall direct the clerk to make out and enter an order for the sale of such real property, which shall be substantially in the following form:

"Whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against the said lands for the taxes, interest and cost due and unpaid thereon for the year or years herein set forth, therefore it is considered by the court that judgment be and is hereby entered against the aforesaid tract or tracts of land, or parts of tracts (as the case may be,) in favor of the state of Illinois, for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon; and it is ordered by the court that the said several tracts of land, or so much thereof: s shall be sufficient of each of them to satisfy the amount of taxes, interest and costs annexed to them severally, be sold as the law directs."

§ 40. Said order shall be signed by the judge, and shall <sup>Judge sign order.</sup> have the same effect as judgments and orders made by the circuit court. Persons aggrieved by any decision of the county court in such cases, shall have the right of appeal to the circuit court, by giving bond and security, payable to the people of the state of Illinois, as is required in cases of appeals from justices of the peace.

Transcript of  
sales.

§ 41. The clerk of said court shall, within five days after any sale for taxes, make out and deliver to the collector a transcript of sales for taxes, which shall be written on foolscap paper, made up and stitched in book form, suitable for binding. Said collector shall deliver said transcript to the auditor at the time that he is required to make settlement for the state tax.

Lands and lots to  
be forfeited.

§ 42. Every tract of land or town lot offered at public sale for the taxes due thereon, and not sold for want of bidders, shall be and the same is hereby declared to be forfeited to the state of Illinois.

Clerk to certify.

§ 43. If any lands or town lots shall be forfeited to the state for taxes, it shall be the duty of the clerk of the county court to certify to the auditor of public accounts the assessed value thereof, and the amount of state tax and the amount of county tax charged thereon; and the auditor shall credit the collector with the amount of state tax due on said property, and the court shall allow the collector credit for the printer's fees and county tax thereon.

Forfeited pro-  
perty, how re-  
deemed.

§ 44. If any person shall desire to redeem any tract of land or town lot forfeited to the state, he shall apply to the clerk of the county, who shall issue his order to the collector, directing him to receive from such person the amount due on said tract or lot, particularly describing the property, and setting forth the amount due, including the printer's fee; and upon presentation of said order to the collector he shall receive said amount and give the person duplicate receipts therefor, setting forth the proper description of the property and the amount received; one of which shall be countersigned by the clerk, and when so countersigned shall be evidence of the redemption of the property therein described, but no such receipt shall be valid until it is countersigned by the clerk; the other receipt shall be filed by the clerk in his office, and said clerk shall cancel the sale of the property so redeemed on the books in his office, and charge the amount of the redemption money to the collector.

Court to examine  
account.

§ 45. At the December term of the county court annually, it shall be the duty of said court to examine the account of the said collector, and cause the amount of state tax and interest collected on such forfeited property to be certified to the auditor of public accounts, who shall charge the same to the collector: *Provided*, that if the collector who received said redemption money shall be succeeded in office, he shall pay the amount in his hands over to his successor, who shall pay said amount into the state treasury when he settles for the taxes of the current year.

Auditor charge.

Tax to be added.

§ 46. The amount due on lands and lots, and remaining unpaid on the first day of November, shall be added to the tax of the current year, and the amount thereof shall

be reported against the collector with the amount of the assessment for said year; said collector shall collect and pay over the said amount in like manner as other taxes, and he is hereby authorized to advertise and sell said property in the same manner as if said property had never been forfeited to the state. Said additions and sales shall be continued from year to year until the taxes on said property is paid, by sale or otherwise: *Provided*, that at the regular sale in the year 1855, and every five years thereafter, all the property previously forfeited and remaining unredeemed, shall be sold to the highest bidder, but not for a greater sum than is due thereon, including costs, &c., and the former sales of such property as will not sell shall be cancelled: *Provided*, that if any person shall offer to pay the taxes, interests and costs due on any tract or lot forfeited as aforesaid for a less quantity than the whole tract or lot, then such property shall be sold to the person offering to pay the amount due thereon, for the least quantity or part thereof.

§ 47. Real property sold under the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, by the payment in specie, to the clerk of the county court of the proper county, of double the amount for which the same was sold, and all taxes accruing after such sale, with ten per cent. interest thereon from the day of sale, unless such subsequent tax has been paid by the person for whose benefit the redemption is made; which fact may be shown by the collector's receipt: *Provided*, that if the real property of any minor heir, *femme covert* or lunatic be sold for taxes, the same may be redeemed at any time within one year after such disability be removed, upon the terms specified in this section; which redemption may be made by their guardians or legal representatives.

Redemptions,  
how made.

§ 48. The securities on any bond given in pursuance of this act, or either of them, may at any time after the execution of said bond, if they, or either of them, have good reason to believe that the officer in said bond is about to fail to comply with the conditions thereof, file with the clerk of the county court a notice in writing, verified by the oath of the person filing such notice, setting forth the facts in the case, and asking to be released from any further liability on said bond; whereupon the clerk with whom such notice shall be filed, shall notify the said officer to appear before the court and give additional security, equal to the security about to be released, to be approved by the judge of the county court, which notice may be served by the said judge or clerk, or by any person appointed by them, or either of them. If the officer so notified shall not appear and give additional security within two days from the time

Securities pro-  
tected.

Duty of clerk.

he may be so notified, the county court may remove him from office; and in all such cases said court shall appoint some suitable person to fill the vacancy occasioned by such removal, who shall execute bond, qualify and perform the duties required of such officer: *Provided*, that if the securities on any collector's bond, or either of them, shall be satisfied that such collector is making improper use of the funds collected by him, or has absconded, or is about to abscond, from this state, whereby said securities may become liable to pay any sum or sums of money, it shall be lawful for said security to sue out a writ of attachment against the goods and chattels of such collector, in like manner as he would be authorized to do if said collector was personally indebted to such security; and the money collected on any such attachment shall be paid into the treasury by the officer collecting the same, in like manner as if paid over by the collector.

Securities pro-  
tected.

Tax, how refund-  
ed.

§ 49. If any real property shall be double assessed, or assessed before it becomes taxable, and the taxes so erroneously assessed shall have been paid, the county court, on application of the person paying the same, or his agent, and being satisfied of the facts in the case, shall cause said taxes, together with the costs thereon, to be refunded *pro rata* by the state and county; and if any collector shall receive the taxes properly due on any real property, and shall afterwards sell such property for said taxes, he shall refund to the purchaser thereof, if application be made within two years from the date of said sale, double the amount of purchase money. Any officer neglecting or refusing to pay as required by this section, shall be liable to the county in an action of debt, in any court having jurisdiction of the amount of said debt: *Provided*, that the county and the state shall refund in case of erroneous sales heretofore made, as provided for by the laws in force at the time of such sales.

Over-payment.

§ 50. If any collector shall have paid, or may hereafter pay into the state treasury any greater sum or sums of money than is, or may be, legally and justly due from such collector, after deducting abatements and commissions, the auditor shall issue his warrant for the amount so overpaid, which shall be paid out of the fund or funds so overpaid; and if any one of the funds shall have been or shall hereafter be overpaid, the auditor may issue his warrant for the amount so overpaid, and apply the same to the payment of any other fund due from such collector.

County tax.

§ 51. The county courts shall have power to levy a tax in their respective counties for county purposes, but shall, in no case, exceed the amount of four mills on each dollar's worth of taxable property, unless specially authorized by law; and said county tax shall be levied at



the September term of said court, or as soon thereafter as practicable, and collected with the state revenue. The same lien created to secure the state tax, and the provisions made for the collection thereof, shall also exist and apply to the county revenue.

§ 52. Suits commenced by the auditor, as provided for Suits not to abate. in this act, shall not abate for the want of service on one or more of the defendants, or in consequence of the death of one or more of said defendants, but judgment may be rendered against such of said defendants as may have been legally notified: *Provided*, that suits may be prosecuted against the defendants not included in said judgment, at any subsequent term of said court: *Provided further*, that the provisions of this section shall not be so construed as to change the conditions of any bond executed prior to the passage of this act on suits in favor of the state, and against collectors or other persons indebted to the state. The state shall pay like fees as are or may be allowed by law in suits between individuals, and in all cases when the state is plaintiff she shall advance and pay such fees, in like manner as individuals are required to advance and pay fees. And when the state becomes the purchaser of real State pay fees. property sold on execution for any debt due the said state, the officer selling such real estate shall be entitled to like commissions as he would have been entitled to had such property been purchased by individuals. Said fees and commissions to be paid on the warrant of the auditor out of any money in the treasury not otherwise appropriated; and when such fees are collected they shall be paid into the state treasury. So much of this section as relates to fees shall apply to suits heretofore prosecuted, as well as to suits that may hereafter be commenced and prosecuted.

§ 53. The assessment shall be a lien on the personal property of all persons owing taxes from and after the time that the tax books are received by the collector, for the state and county tax due thereon, and no sale or transfer of such property shall affect the claim of the state or county, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same at the time of such assessment, together with the costs and charges of collection. Assessment a lien.

§ 54. In case any person shall refuse or neglect to pay Collector to sell. his or her taxes when demanded, or within ten days thereafter, it shall be the duty of the collector to levy the same, together with the costs and charges that may accrue, by distress and sale of the personal property of such person, wherever the same may be found in the county.

§ 55. The collector shall give notice of the time and Notice. place of sale, the property to be sold, and the name of the delinquent, at least ten days previous to the day of sale, by

advertisements to be posted up in at least three public places in the precinct where such sale is made.

Auction.

§ 56. Such sale shall be by public auction, and if practicable, no more property shall be sold than sufficient to pay the tax, costs and charges due; but if sold for more than the amount necessary to pay the debt, the surplus shall be returned to the owner of such property.

Power to collect.

§ 57. The power to levy and collect shall continue in the collector after his return and final settlement with the auditor, until the taxes shall be paid. If personal property of any person who may have been returned by the collector as being insolvent or removed be afterwards found in the county, the clerk of the county court shall have power to issue process to any sheriff or constable for the collection of the taxes due by such person, and when collected such taxes shall be paid over to the state and county in like manner as if collected by the collector.

Taxes twice paid.

§ 58. Whenever the taxes on the same property shall have been paid more than once, for the same year, by different claimants, the collector shall make a return to the clerk of the county court of all such surplus taxes so received by him, together with the names of the several claimants thus paying; and the clerk shall make a record of all such cases, and transmit a copy thereof to the auditor of public accounts, who shall charge such collector with the portion of such surplus taxes belonging to the state; but such surplus tax shall in no case be refunded.

Collector.

§ 59. Whenever any person shall pay the taxes charged against him, the collector shall enter such payment in his list, and give the person paying the same a receipt, specifying the name of the person for whom paid, the amount paid, what year paid for, and the property on which the same was assessed, according to its description on the assessment list.

Collector to pay county.

§ 60. The collector shall, on the first Monday in every month, during the time of collecting the taxes, report to the county treasurer, in writing, the amount of county tax received by him during the preceding month, what amount of said tax was received in money and what amount in county orders and jury certificates, and shall pay the same over to said treasurer, who shall give him a receipt therefor. The treasurer shall cancel the orders and certificates returned as aforesaid, and at the next term of the county court thereafter, he shall present said reports, together with the orders and certificates; said court shall examine and see that the orders and certificates have been properly cancelled on the books, and cause them to be destroyed by burning.

Collector attend sale.

§ 61. The collector shall attend at the court house in his county, on the day specified in the notice for the sale of real estate for taxes, and then and there, between the

hours of ten o'clock in the forenoon and six o'clock in the afternoon, proceed to offer for sale, separately, each tract of land and town lot in the said list on which the taxes and costs have not been paid.

§ 62. The person at such sale offering to pay the taxes and costs charged on each tract or lot, for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the east side of such tract or lot. How sold.

§ 63. The collector shall continue such sale from day to day, until all the tracts of land or town lots contained in the delinquent list, on which taxes and costs remain unpaid, shall be sold or offered for sale. Sale continued.

§ 64. The person purchasing any tract of land or town lot, or any part thereof, shall forthwith pay to the collector the amount of taxes and costs charged on said tract or lot, and on failure so to do, the said land or lot shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment is made. Purchaser pay.

§ 65. The collector shall obtain a copy of the advertisement of the delinquent lands and lots, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same shall have been published, and shall file the same with the clerk of the county court, on or before the first day of the term at which judgment is prayed. Collector file affidavit.

§ 66. In all advertisements for the sale of lands for taxes, and in entries required to be made by the clerk of the court, or other officer, letters and figures may be used, as they have heretofore been used, to denote townships, ranges, sections, parts of sections, the year for which the taxes were due, and the amount of taxes, interest and costs. Letters and figures.

§ 67. The clerk shall make out and deliver to the purchaser of any lands or lots sold for the payment of taxes as aforesaid, a certificate of purchase, to be countersigned by the collector, describing the land or lot sold as the same was described in the delinquent list, the amount of taxes and costs for which the same was sold, and that payment has been made therefor. If any person shall become the purchaser of more than one tract of land or lot, he may have the whole included in one certificate. Certificate of purchase.

§ 68. Such certificate of purchase shall be assignable by indorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser. Assignable.

§ 69. No sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner, if the said real estate be in other respects sufficiently described, and the taxes thereon were due and unpaid at the time of such sale. Validity.

Records evi-  
dence.

§ 70. The books and records belonging to the office of the clerk of the county court, or copies thereof, certified by said clerk, shall be deemed sufficient evidence to prove the sale of any land for taxes, the redemption of the same, or payment of taxes thereon.

Error sales can-  
celled.

§ 71. Whenever it shall be made to appear to the satisfaction of the clerk of the county court, before the execution of a deed for lands or lots sold for taxes, or if the deed be returned by the purchaser, that any tract or lot was sold which was not subject to be taxed, or upon which taxes had been paid previous to the sale, he shall make an entry opposite to such tracts or lots on the list of sales, that the same was erroneously sold, and such entry shall be evidence of the facts therein stated.

Effect.

§ 72. The receipt of the redemption money of any tract of land or lot, by any purchaser, shall operate as a release of all claim to such tract or lot, under or by virtue of the purchase.

Lands sold, ef-  
fect.

§ 73. If any purchaser of lands sold for taxes shall suffer the same to be again sold for taxes before the expiration of three years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the land until the expiration of two years from the date of the second sale; during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act, but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him, and double the amount paid by the second purchaser.

Collector must  
attend sale.

§ 74. If any collector, by himself or deputy, shall fail to attend any sale of lands advertised according to the provisions of this act, and make sale thereof as required by law, he shall be liable to pay into the state and county treasury the amount of taxes and costs due upon the lands and lots so advertised, in the same manner as if they had been sold: *Provided*, that he may afterwards advertise and sell such delinquent property to reimburse himself for the amount advanced by him; but at no such sale shall there be any property forfeited to the state. If the county clerk shall fail to attend, either by himself or deputy, any sale of real estate for taxes, he shall advance and pay the taxes due on the delinquent list to the collector; and if he shall neglect or refuse to pay such tax on demand, the collector shall proceed against him on his official bond, in any court having jurisdiction of the amount due.

Clerk—penalty.

County treasurer.

§ 75. If any county treasurer shall fail to make return, fail to make settlement, or fail to pay over all money with which he may stand charged as treasurer, the county court may remove him from office, and appoint a successor; and it shall be the duty of the clerk of the county court to prosecute suit against such treasurer and his securities, which may be done either in the county court or circuit

court of the county in which such default is made. The said court may compel the production of all books, papers and vouchers pertaining to the office of such treasurer, to be used as evidence, if it shall appear to the court that any such books, papers or vouchers are or may be material evidence in the cause.

§ 76. No collector or treasurer shall, either directly [or indirectly,] be permitted to take, buy, shave or receive, by himself or agent, any auditor's warrant or warrants, or any county order, or jury certificate, at less than the full amount due thereon. Not to buy.

§ 77. On the first day of January next after taking the census in the state, or as soon thereafter as the returns of said census may be made to the office of the secretary of state, it shall be the duty of said secretary to make out and deliver to the auditor a correct statement of the number of white children in each county in this state, twenty years of age or under; the truth of said certificate shall be certified to by said secretary, and thereupon, under the supervision of the commissioners of the school fund, the auditor shall make a dividend to each county of the interest due upon the school, college and seminary fund, in proportion to the number of persons in each, of the age aforesaid; and dividends shall be made according to the proportion ascertained to be due to each county annually thereafter, until another census shall have been taken, and then apportionments shall be made and continued as aforesaid, according to the last census. Duty of secretary of state. Auditor. School funds.

§ 78. The auditor shall, within five days after ascertaining the amount due, as required in the foregoing section, make out and forward by mail to the school commissioner of each county an order on the collector for the amount due said county: *Provided*, that if the amount of interest due to any county shall exceed the amount of revenue tax due from such county, then the auditor shall issue an order as aforesaid for the amount of revenue that he believes, from the returns of the assessment for that year, will be collected, and shall issue and forward with the order a warrant on the treasurer for the balance of interest that may be due to such county, which shall be paid out of any moneys not otherwise appropriated. Auditor to certify.

§ 79. On or before the first day of April, annually, or so soon thereafter as the school commissioner shall present the order of the auditor, the collector shall pay to said commissioner the amount due thereon: *Provided*, that if the said collector has not collected a sufficient amount of state revenue to pay said order, and shall make oath of that fact, then he shall pay the amount that he has collected, and shall pay the remainder on or before the fifteenth day of June next thereafter; but if any collector shall refuse to Collector to pay. Refusal to pay, duty of school commissioner.



pay the interest on the school fund as required by this section, and shall refuse to make oath as aforesaid, it shall be competent for the commissioner to proceed against such collector and his securities, in an action of debt in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgment and issue executions. Said collector shall be liable to pay the full amount stated in the order, notwithstanding he may not have collected that amount; and if any collector shall pay a portion of the amount due as aforesaid, and shall fail to pay the remainder as required by this section, the commissioner shall proceed against him as above provided for.

Payment <sup>v</sup> into  
treasury.

§ 80. Upon ascertaining the amount due to the state from any collector, or other person, the auditor shall give such person a statement of the amount to be paid, and upon the presentation of such statement to the treasurer, and the payment of the sum stated to be due, the treasurer shall give duplicate receipts therefor, one of which shall be filed in the auditor's office and entered in a book to be kept for that purpose, and the other shall be countersigned by the auditor and delivered to the person making the payment; and no payment shall be considered as having been made until the treasurer's receipt shall be countersigned by the auditor as aforesaid. When the list of delinquent lands is returned by the auditor for sale, he shall certify to the clerk the amount of the county's proportion of the tax paid into the state treasury, and the amount so certified shall be paid into the county treasury, out of the tax due from the collector to the state.

Duty of auditor.

Law published.

§ 81. The auditor of public accounts shall, as soon as practicable after the passage of this act, prepare and transmit to the several county clerks all such forms and instructions as he shall deem necessary to carry into effect its provisions. Said auditor shall cause to be printed, with the forms and instructions required by this section, a true and correct copy of this act, and shall forward a sufficient number thereof, for the use of the several county officers, to the clerk of the county court of each county, who shall deliver the same to the proper officers. The expenses of the printing required by this section shall be paid for as other printing ordered by this general assembly is paid for.

Fees.

§ 82. There shall be allowed and paid for services rendered in pursuance of this act, the following fees and compensation: To clerks of county courts, for making lists of delinquent lands for the auditor's office, three cents for each tract described in said list, to be paid for out of the state treasury, which shall be in full for comparing and correcting the collector's returns of said delinquent lands to his office, as well as for making the list aforesaid, and com-

paring and certifying to the list for the use of the collector. For making record of delinquent lands and town lots for judgment, including the order of court, three cents for each tract, and one cent for each town lot. For making transcript of judgment for sale, three cents for each tract, and one cent for each town lot. For assisting the collector in selling lands and lots, twenty-five cents for each tract and five cents for each town lot for which a certificate is given, to be charged and collected as costs. For making transcript of taxable real property for the assessor, two cents for each tract of land, and one-half cent for each town lot, to be paid out of the state treasury; and for comparing the assessor's return with the original list of real property, extending the tax on each tract and lot, and adding up the aggregate amount of tax due thereon, two cents for each tract or subdivision, and one-half cent for each town lot; and for making copy of the assessment list for the collector, one cent for each tract and one-half cent for each town lot. For entering list of lands furnished by the auditor in the tract books, one cent for each tract. The same fees shall be allowed for computing the tax on each person's personal property, and for copying the same, as is allowed on town lots; all of which fees shall be paid out of the county treasury. The collector shall be allowed for making list of delinquent lands to be filed with the clerk, and adding up the amount of tax thereon, three cents for each tract, to be paid out of the state treasury. For selling lands and town lots, ten cents for each tract and three cents for each town lot sold, to be charged and collected as costs; but no costs except the printer's fees shall be charged or collected on any land or town lots forfeited to the state. Collectors shall be allowed a commission on all moneys collected of five per cent. on the first eight thousand dollars, and three per cent. on all additional sums collected by them, to be paid by the state and county in proportion to the amount of state and county tax collected; and the auditor shall allow said collector in his settlement, in addition to the commissions aforesaid, two dollars for every twenty miles' necessary travel, in going to and returning from the seat of government, for the purpose of paying over the state tax. County treasurers shall be allowed a commission of one per cent. on all moneys, county orders and jury certificates received by them for county purposes, and one per cent. on all moneys paid out by them, but shall not be allowed any compensation for paying moneys over to a successor.

See assessment  
act.

§ 83. If any officer shall fail or neglect to perform any of the duties required of him by this act, upon being required so to do by any person interested in the matter, he shall be liable to a fine of not less than ten dollars nor more than one hundred dollars, to be recovered in an ac- Penalty.

tion of debt in the circuit court of the proper county, and may be removed from office, if in the opinion of the court before whom such suit may be tried the circumstances require such removal; and any officer who shall knowingly violate any of the provisions of this act, shall be liable to a fine of not less than ——— dollars nor more than one thousand dollars, to be recovered in an action of debt in any court having jurisdiction of the amount, and may be removed from office at the discretion of the court.

Rate of tax.

§ 84. The rate of taxation for state purposes for the year A. D. 1853, and forever thereafter, until otherwise provided by law, shall be two mills on every dollar's worth of taxable property, for the payment of the state debt, one and one-half mills on every dollar's worth of taxable property, for the payment of the interest on the state debt, and one mill on every dollar's worth of taxable property, for defraying the expenses of the government.

§ 85. This act shall apply to and be in force in the several counties not adopting the act to provide for township organization, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11,  
1853.

AN ACT providing for the payment of damages done by dogs.

Owner liable.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the owner of any dog or dogs shall be liable in an action on the case for all damages that may accrue to any person or persons in this state, by reason of such dog or dogs killing, wounding, or chasing any sheep or other domestic animal, belonging to such other person or persons; and when the amount of such damages does not exceed one hundred dollars, the same may be recovered by an action before a justice of the peace.

Authorize to kill.

§ 2. If any person shall discover any dog or dogs in the act of killing, wounding, or chasing sheep in any portion of this state, or shall discover any dog or dogs under such circumstances as to satisfactorily show that such dog or dogs has been recently engaged in killing or chasing sheep, for the purpose of killing them, such person is authorized to immediately pursue and kill such dog or dogs.

This act to take effect from and after its passage.

APPROVED February 11, 1853.

## AN ACT to legalize the appointment of guardians.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That each and every appointment of a guardian of an infant or infants, which has been made in any county of this state, in which an ancestor from whom said infant or infants derive title to property by will or descent resided, at the time of his death, is hereby legalized and made as effectual, in every respect, as though said appointment had been made in the county in which said infant may have been resident when said appointment was made: *Provided*, however, that no appointment of a guardian is hereby legalized unless the same has been made upon the petition of an infant above the age of fourteen years.

Appointment of  
guardians legal-  
ized.

Proviso.

§ 2. This act shall take effect from and after its passage.

APPROVED February 12, 1853.

## AN ACT in relation to appeals from justices of the peace.

In force Feb. 9,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where jurisdiction has been heretofore, or shall be hereafter given to any justice of the peace, mayor of a city, or other officer in this state, over any fine or penalty imposed for the violation of any law of this state, appeals shall be allowed, and may be taken to the circuit court of the county in the same manner that appeals are by law authorized to be taken, and prosecuted from judgments of justices of the peace in other cases.

Appeals allowed.

§ 2. That in all cases of appeals from justices of the peace, mayor of city, or other officers, no appeal shall be dismissed for any informality in the appeal bond. But it shall be the duty of the court before whom the appeal may be pending, to allow the party to amend the same, so that a trial may be had on the merits of the case.

Appeal not to be  
dismissed on ac-  
count of infor-  
mality in bond.

§ 3. This act shall apply as well to appeals now pending as to appeals which may be taken hereafter.

Effect.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 9, 1853.

In force Feb. 12,  
1853.

# AN ACT in relation to non-resident guardians.

Non-resident  
guardian may  
remove property

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where any guardian and his ward may both be non-residents of this state, and such ward may be entitled to property of any description in this state, such guardian, on producing satisfactory proof to the county court of the proper county by certificates, according to the act of congress in such cases, that he has given bond and security in the state in which he and his ward reside, in double the amount of the value of the property as guardian, and it is found that a removal of the property will not conflict with the terms of limitation attending the right by which the ward owns the same, then any guardian may demand or sue for, and remove any such property to the place of residence of himself and ward.

Resident guardian may be discharged.

§ 2. That when such non-resident guardian shall produce an exemplification from under the seal of the office (if there be seal) of the proper court in the state of his residence, containing all the entries on record in relation to his appointment, giving bond, &c., and authenticated as required by act of congress as aforesaid, the county court of the proper county in this state may cause suitable orders to be made, discharging any resident guardian, executor or administrator, and authorizing the delivering and passing over of such property, and also requiring receipts to be passed and filed, if deemed advisable: *Provided*, the benefits of this act shall not be extended to the citizens of any state in which a similar act does not exist, or may not hereafter be passed: *And provided also*, that, in all cases, thirty days notice shall be given to the resident guardian, executor or administrator, of the intended application for the order of removal, and the court may reject the application and refuse such order whenever it is satisfied it is for the interest of the ward that such removal shall not take place.

Proviso.

Further proviso.

§ 3. This act shall take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 8, AN ACT to amend chapter forty-seven of the Revised Statutes, entitled  
1853. "Guardians and Wards."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act, county courts for the



transaction of probate business in the several counties of this state shall have power, and it is hereby made their duty, to appoint some suitable person to act as guardian for any minor within their respective jurisdictions, whenever it shall be made to appear to the satisfaction of said county court—1st. That the person chosen by such minor as his or her guardian, is not a suitable person to be intrusted with the control of the person of such minor, or his or her property. 2d. In all cases where the person chosen by such minor, as his or her guardian, shall fail or refuse to give bond with good security, as required by law. 3d. In all cases where any such guardian, after his or her appointment, shall fail to give additional or other security when required so to do, in accordance with an act entitled “An act to amend the law in relation to securities of guardians,” approved February 19th, 1847; and shall be removed for such failure: *Provided*, that in case of such removal, such minor may be permitted to choose another guardian if he or she shall so desire, subject to the approval of the county court as aforesaid.

County courts to appoint guardians in certain cases.

*Proviso.*

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 8, 1853.

AN ACT to repeal an act entitled “An act to prohibit the retailing of intoxicating drinks,” approved February 1st, 1851.

In force Feb. 7, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That an act entitled “An act to prohibit the retailing of intoxicating drinks,” approved February 1, 1851, be and the same is hereby repealed.

*Repealed.*

APPROVED February 7, 1853.

AN ACT to establish the sixteenth judicial circuit in the state of Illinois.

In force Feb. 9, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the counties of Peoria and Stark shall compose a judicial circuit, to be called the sixteenth judicial circuit, and that the circuit courts of said circuit shall be held at the county seats of said counties at the times following, to wit: In the county of Peoria, on the first Monday of March, the second Monday of May, the second Monday in September, and the

Sixteenth circuit.

Times of holding courts.

third Monday in November. In the county of Stark, on the third Monday in April and the second Monday in October, in each and every year.

Election, when  
holden.

§ 2. There shall be an election held in said circuit on the second Monday of March next, for the election of a circuit judge for said circuit; which election shall be conducted and returns made thereof and canvassed in the same manner provided by the constitution and laws of this state. Said judge, when elected, commissioned and qualified, shall hold his office until the next general election of judges, as provided by the constitution, and until his successor shall be elected and qualified.

State's attorney.

§ 3. The state's attorney of the tenth judicial circuit shall be the state's attorney of the said sixteenth judicial circuit.

Notices of.

§ 4. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices for said election to the sheriffs of said counties, notifying the electors of said counties; which notices shall be posted up by the sheriffs in the several towns or precincts in said counties, in the like manner as provided by the constitution and laws of this state for holding general elections.

Powers.

§ 5. The said circuit judge, when elected and qualified, and the said state's attorney, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had or hereafter to be required or exercised by the circuit judges and state's attorneys in this state, under the constitution and laws thereof, and shall receive the same compensation as other judges and state's attorneys are entitled to receive by the constitution and laws.

Process.

§ 6. All writs, subpoenas, recognizances and other process which may have been or may be issued out of and made returnable to the terms of the circuit courts as herein before required by law, in the said counties of Peoria and Stark, shall be deemed and taken to be returnable to said terms of the court as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as hereinbefore required to be holden, shall, by force of this act, refer to the terms of the court as herein required to be held. And all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

owers.

§ 7. The judge of said circuit shall have power, upon entering the proper order of record during any term thereof, to fix any number of days or terms at which he will hear at his chambers general and special motions, arguments of

demurrer, and arguments upon agreed cases, and for the making of all such interlocutory orders as may be necessary to expedite the proceedings in any cause, and the said court shall always be considered open for the hearing of all matters and applications on the chancery side thereof, and the granting of all such orders as may be required or necessary in the practice of said court: *Provided*, that no final order, judgment or decree shall be entered in vacation, except judgments by confession, which may be entered at any time upon filing the proper papers with the clerk of said court, and shall have the same force and effect as if entered in term time: *And provided further*, that the judge of said court shall examine and sign the records of the general and special terms of said court, as also all orders entered on motion days, which orders shall have the same force and effect, and the judge shall have the same power to enforce the same, as if entered in term time.

Proviso.

Proviso.

§ 8. The judge of said circuit court shall have full power to establish all such rules of practice at law, or in equity, as he may deem necessary to expedite the business of said court, which rules of practice shall be binding and obligatory upon the parties to suits in said circuit from the time they shall be entered of record. The judge of the court invested hereby shall not be entitled to any compensation which may be provided for revising the laws of this state, and he shall receive one thousand dollars salary for his services, and no more.

Power of judge to establish rule of practice.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 9, 1853.

AN ACT defining the limits and fixing the times of holding courts in the tenth judicial circuit. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the counties of Fulton, Knox, Warren and Mercer shall hereafter form and compose the tenth judicial circuit, and the courts in the several counties thereof shall be held at the following times, to wit: In the county of Fulton, on the second Monday in February, third Monday in May, and first Monday in September. In the county of Knox, on the fourth Monday in April, and the third Monday in September. In the county of Warren, on the second Monday in April, and the third Monday in October; and in the county of Mercer, on the third Monday in April and fourth Monday in October, in each and every year.

Tenth circuit.

Times of holding courts.

Governor to appoint state's attorney.

Election.

§ 2. The governor shall appoint a state's attorney for said circuit, who shall be duly commissioned and qualified, and who shall hold said office until his successor is elected and qualified. On the Tuesday next after the first Monday in November next an election shall be held in the several counties composing said circuit, notice of which election shall be given, and the canvassing and return of the votes conducted in the same manner as is now required in general elections of state's attorneys. The person having the highest number of votes shall be the state's attorney for said circuit, shall be commissioned and qualified as such, and shall hold his office until the next general election for state's attorney, as provided by the constitution of this state, and until his successor shall be elected and qualified, and shall receive the same compensation as other state's attorneys are allowed under the constitution of this state.

Duty of secretary of state.

§ 3. The secretary of state shall forthwith transmit a copy of this act to each of the clerks of the circuit courts of said circuit, and to the judge thereof.

Process.

§ 4. All indictments, recognizances and suits, either at common law or in chancery, shall stand for hearing in said circuit courts at the time herein specified for holding courts, the same as though no change had taken place, and all writs and other process, civil or criminal, shall be and they are hereby made returnable the same as if there had been no change in the time of holding courts; and all returns heretofore made, or that may hereafter be made, either according to this act or the acts hereby repealed, shall be taken to be returnable to the terms of court as hereby fixed, and shall be legal and valid in all respects as if no change had taken place.

Act repealed.

§ 5. All acts and parts of acts coming within the purview of and in conflict with this act, are hereby repealed.

§ 6. This act shall take effect and be in force from and after the first day of April next.

APPROVED February 11, 1853.

In force Feb. 10, AN ACT to locate a state road from Springfield, in Sangamon county, to Mount Pulaski, in Logan county.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That George W. Turley, of the county of Logan, and Robert Cass and Gershom Jayne, of the county of Sangamon, be and they are hereby appointed commissioners to view, survey, mark and locate a state road from Springfield, in Sangamon*

county, by the way of the Buffalo Heart Grove, to Mount Pulaski, in Logan county, on the nearest and best route, doing as little damage as possible to private property. The said commissioners, or a majority of them, shall meet at Springfield on the first Monday in April next, or within three months thereafter, and after taking an oath before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, survey, mark and locate said road; shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county court of each of said counties through which said road passes, which shall be filed by him in his office; and said road thus laid out is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

When to meet.

Take oath.

Report to county clerk.

§ 2. The county courts of the respective counties in which said road shall be located, shall cause to be paid to the said commissioners, their surveyor and attendants, a reasonable compensation for their services out of the county treasury, each county to bear her equal proportional part of said expense, according to the distance said road passes through the same.

Compensation.

APPROVED February 12, 1853.

AN ACT to locate a state road in the counties of Tazewell and Logan. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Primm, of Logan county, William Crossman and John Summers, of Tazewell county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the city of Pekin, in Tazewell county, running thence on the most eligible route to the town of Delevan, in Tazewell county, thence to the town of Postville, in Logan county.

Commissioners.

§ 2. Said commissioners, or a majority of them, shall meet in the city of Pekin on or before the first day of July next, or as soon thereafter as practicable, and after taking an oath before some person authorized to administer the same, faithfully to perform and discharge the duties required of them by this act, shall take to their assistance John Smith, of the city of Pekin, as surveyor, and the necessary number of chain bearers and markers, and proceed to lay out said road as provided in the preceding section, and shall designate the route of said road, by placing stakes

To take oath.

To lay out road.



in the ground, or plowing a furrow in the prairie and blazes on the trees in the timber.

Make plats.

§ 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road, showing the course and distance from point to point; which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the offices of the clerks of the counties of Tazewell and Logan respectively, and shall also make out and present to said county courts certified copies of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make an order for the sums severally due, allowing to each commissioner and surveyor the sum of two dollars per day, and to each hand otherwise employed the sum of one dollar per day, for every day necessarily employed in surveying and locating said road through their respective counties.

Compensation.

To be a state road.

§ 4. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide, and kept in repair as other state roads. This act to be in force and take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to locate a state road in the counties of Crawford, Jasper and Effingham.

State road located.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there is hereby located and established a state road, commencing on the west bank of the Wabash river, at the point where the line between township seven and eight north, range eleven west, strikes said river, thence west along and with said line, between townships seven and eight, until it strikes the range line between five and six, thence in a northerly direction to the town of Ewington, in Effingham county.

Width of road.

§ 2. Said road shall be four rods wide, two rods on each side of the above described line.

To be opened and kept in repair.

§ 3. The several county courts, through which said road shall run, shall be required to cause said road to be opened and kept in repair as other state roads are, whenever, in their opinion, the public good may require it. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to locate a road therein named.

In force Feb. 10,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a state road be and the same is hereby declared to be laid out upon the boundary line of the towns of South Chicago and Lake, in the county of Cook, four rods wide, two rods to be taken from each town, extending from the Illinois and Michigan canal on the west, and to lake Michigan on the east; and it is hereby made the duty of the commissioner of highways for the town of South Chicago, to open and keep in repair said road, and assess the damages, as in the case of other state roads.

To be a state  
road.Open and keep in  
repair.

APPROVED February 10, 1853.

AN ACT to locate a state road from Macomb, in McDonough county, to the Canton and Liverpool Plank Road, in Fulton county.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Elisha Johnson and Elijah Wilcox, of Fulton county, and Stephen Yocum, of McDonough county, be and they are hereby appointed commissioners to view, lay out and locate a state road, commencing at Macomb, in McDonough county, and running to Marietta, in Fulton county, thence to or near the free ferry on Spoon river, thence to Cuba, thence to Canton and Liverpool Plank Road, in Fulton county, terminating at some convenient point, to be determined by said commissioners.

Commissioners.

§ 2. Said commissioners, or a majority of them, shall meet in the town of Macomb, in McDonough county, on or before the first day of April next, or within three months thereafter, and after being duly sworn by some justice of the peace of said county to faithfully and impartially to locate said road, as required of them by this act, shall proceed to run, mark, survey and locate said road, taking into consideration the public convenience and the permanency of the road, doing as little injury to private property as practicable.

To take oath.

Locate road.

§ 3. Said commissioners shall file a copy of said survey and report with the clerk of the county court or board of supervisors of each and every county through which said road shall pass, to be recorded and filed in his said office.

To make plats.

§ 4. The county court or board of supervisors, as the case may be, of each county through which said road may have been located, shall cause the same to be opened four rods wide, and kept in good repair, as other state roads are.

To be a state road

Surveyor.

Compensation.

§ 5. The said commissioners shall have power to employ a surveyor and such other persons as may be necessary in the survey and location of said road; and said commissioners, surveyor, and such other persons so employed, shall be allowed a reasonable compensation for the time necessarily employed, [out] of the treasury of the respective counties through which said road may pass, in proportion to the time employed in each of said counties in laying out said road. This act to take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 9,  
1853.

AN ACT to locate a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William H. Rolloson, of Hancock county, John Huston, of McDonough county, John Curts, of Henderson county, Henry S. Hyatt, of Fulton county, and James D. Smith, of Warren county, are hereby appointed commissioners to view, mark and locate a state road from the town of Dallas city, in the counties of Hancock and Henderson, to the town of Farmington, in the county of Fulton, on the most eligible route, having due regard to private property, following, as near as may be practicable, the county lines between the counties of Hancock and Henderson and Warren and McDonough, until the same reaches the line of the county of Fulton; thence by the best and nearest route to said town of Farmington.

To take oath.

§ 2. Said commissioners, or a majority of them, shall meet at said Dallas city within six months from the passage of this act, on such day as may be agreed upon by them, and after being duly sworn before some justice of the peace of the state faithfully to perform the duties of this act, shall proceed to lay out said road as provided in the preceding section; and shall designate the route of said road, by placing stakes in the prairie and blazes on the trees in the timber. The said commissioners shall, as soon as the road is laid out, make and file a report and plat of said road, with the course and distances from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the offices of the clerks of the county courts of said counties of Hancock, Henderson, Warren, McDonough and Fulton.

To make plats.

Copies to be filed.

Certificate.

§ 3. The said commissioners shall make out and present to the county court, or the supervisors' court, whichever

may at the time be doing county business, through which said road may pass, a certified copy of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make a compensation for the sums severally due, allowing to each commissioner the sum of two dollars, and to each hand one dollar, and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties. Compensation.

§ 4. Said road, when so laid out, shall be and the same is hereby declared a state road, and shall be opened four poles wide, and shall be kept in repair as other state roads. To be state road.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 9, 1853.

AN ACT to locate a state road in Adams county, and to locate a state road in La Salle county. In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Laughlin, S. M. Jenkins and John M. Ruddie be and they are hereby appointed commissioners to re-locate so much of the state road leading from Woodville, in Adams county, state of Illinois, to the Mississippi river, opposite Tully, in Lewis county, Missouri, as lies west and between Marcelline and the Mississippi river. Commissioners.

§ 2. That said commissioners shall meet in the town of Marcelline, on or before the first day of May next after the passage of this act, or as soon thereafter as practicable, and take an oath before some justice of the peace of Adams county, well and truly to perform the duties imposed upon them by this act. To take oath.

§ 3. When said commissioners shall have viewed and re-located said road on the nearest and best route from Marcelline, to the mouth of Lima lake slough, doing as little damage as possible to private property, it shall be and is hereby made their duty to survey and make out a plat of the road so re-located, and lay said plat before the county court of Adams county as soon as practicable after the completion of the same; and the road so re-located is hereby declared the state road, and so much of the old [road] as affected by re-location is hereby vacated. To make plat.

§ 4. That said plat shall be evidence hereafter in all courts of record in this state, and it shall be the duty of the Adams county court to record said plat in the records of their office. Plat to be evidence.

Commissioners.

When to meet.

To file plat.

Compensation.

§ 5. That John Mcserve, Daniel F. Hitt and D. D. Guile, of La Salle county, be and they are hereby appointed commissioners to survey and locate a state road from Ottawa, in La Salle county, to the town of Homer, in La Salle county, on the most eligible and practicable route. Said commissioners shall meet at Ottawa at such time as they may agree upon, and are authorized to employ such assistants as may be necessary, and proceed to locate such road as they may deem proper for the public interest.— They shall file in the office of the county clerk a plat of said road as located, and also the field notes taken on the survey thereof certified by them. Said commissioners shall be allowed two dollars per day each for their services, and the surveyor employed by them three dollars per day, and other persons necessarily employed such compensation as said commissioners, or any two of them, shall certify as proper to be allowed, and the expenses shall be paid out of the county treasury. The action and certificate of any two of said commissioners in this section named shall be as valid and binding as if the whole three were present and acting. This act to be in force from and after its passage.

APPROVED February 14, 1853.

In force Feb. 10,  
1853.

AN ACT to locate a state road from Virginia, in Cass county, to Vermont, in Fulton county, via Browning, in Schuyler county, and Astoria, in Fulton county.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Hamer, of Fulton county, R. R. Dilworth, of Schuyler county, and John E. Haskell, of Cass county, be and they are hereby appointed commissioners to view, mark and locate a state road from Virginia, in Cass county, via Browning, in Schuyler county, and Astoria, in Fulton county, to Vermont, intersecting the state road leading from Bath, in Mason county, to Macomb, in McDonough county.

Take o. th.

§ 2. The said commissioners, or any two of them, shall meet at Virginia on the first Monday in April next, or within two months thereafter, and after being duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate a state road from Virginia, in Cass county, to the town of Browning, in Schuyler county, and thence to Astoria, in Fulton county, and thence to the aforesaid town of Vermont, in Fulton county, on the nearest and best practicable route, and on the most eligible and advantageous ground for the permanency of the road, taking into view



the present settlements of the county, and its susceptibilities of future settlement.

§ 3. As soon as practicable after said road is located, To make plats. the said commissioners, or a majority of them, shall make a plat of so much thereof as lies in each of the counties through which said road may pass, and return the same to the clerks of the county commissioners' courts of said counties Clerk to record. respectively, to be by them filed and recorded in their respective offices; and said road, when so laid out, shall be opened four poles wide, and kept in repair as other state roads are.

§ 4. The county commissioners' or supervisors' courts Compensation. of the several counties through which said road may pass, shall allow the said commissioners, and to all surveyors, markers, chain carriers, and other persons necessarily employed in surveying, marking and laying out said road, a reasonable compensation for their services, which compensation shall be paid by the respective counties in proportion to the time they may be employed in each county while locating the same. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to locate a state road herein mentioned.

In force Feb. 14,  
1853.

SECTION 1. *Be it enacted by the people of the state of* Commissioners.  
*Illinois, represented in the General Assembly, That D. A. Knowlton, of Stephenson county, and Garner Moffett and Reuben H. Grey, of the county of Carroll, be appointed commissioners to survey and locate a state road from the town of Freeport, in the county of Stephenson, by the way of Cherry Grove, through the town of Mt. Carroll, to Savanna, in the county of Carroll.*

§ 2. Said commissioners, or a majority of them, shall, Meet and take oath. on the first Monday of July next, meet at the town of Savanna, in said county, or on some other day thereafter, and having been duly qualified according to law, shall proceed to survey and locate said road on the route above designated; and they shall prepare plats of said road, together with field notes—one of which shall be filed in the clerk's To be filed in clerk's office. office of the county of Carroll—another in the county clerk's office of Stephenson county.

§ 3. Said commissioners and surveyor shall be allowed Compensation. the sum of two dollars and fifty cents per day for each and every day they or any of them shall be engaged in making

said survey and plat; the same to be paid by the counties of Stephenson and Carroll.

§ 4. After filing the said plats in the clerk's office of said counties, said road shall be deemed a state road and public highway.

APPROVED February 14, 1853.

In force Feb. 11,  
1853.

AN ACT to locate a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John Baldwin, James Kirkham and James A. Whiteside, of Hardin county, Spencer B. Floyd and James Fulkerson, of Pope county, James W. Russell and William Elder, of Saline county, Tilman B. Cantrell and Daniel Mooneyham, of Franklin county, and George Johnson and Philip Osborn, of Jefferson county, be and they are hereby appointed commissioners, with full power and authority to view, survey, mark and locate a state road from Elizabethtown, in Hardin county, by way of Independence, in Saline county, through Benton, in Franklin county, and on to Mount Vernon, in Jefferson county, on the nearest and best route, doing as little damage to private property as possible. The said commissioners, or a majority of them, not being less than one from each county, shall meet at the town of Benton, in Franklin county, on the third Monday in May next, or within three months thereafter, and after taking an oath before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to view, mark and locate said road forty feet wide in lanes, and sixty feet wide through all forest lands. They shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county court of each of said counties through which said road passes; which shall be filed by him in his office. And said road, thus laid out, is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.*

When to meet.

To take oath.

County clerk.

To be a state  
road.

Compensation.

§ 2. The county courts of the respective counties through which said road shall be located shall cause to be paid to the said commissioners a reasonable compensation for their services, out of the county treasury; each county to bear her equal proportional part of said expenses, according to the distance said road passes through the same. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to locate a state road from Victoria, in Knox county, to Henderson, in said county. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That E. T. Bryan, George W. Barry and Alexander Sorenberger,* Commissioners.  
of the county of Knox, be and they are hereby appointed commissioners to view, mark and lay out a road from the town of Victoria, in said county, commencing at or near the south-west corner of section seven, township twelve north, range four east, of the fourth principal meridian; from thence to run west on the section lines through township twelve north, three and two east, to the north-west corner of section sixteen, in said township two east; from thence south, on the west line of said section sixteen, till it intersects the road as now laid to Henderson, in said county.

§ 2. The said commissioners shall meet at Victoria, in To take oath.  
Knox county, on the first Monday in May next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, survey, locate and mark out said road, by marking trees in the timber, or setting up stakes or ploughing in the prairie.

§ 3. The supervisors of said county shall allow said Compensation.  
commissioners two dollars each per day, for the time actually employed in the business of such survey, and a reasonable compensation to such assistants as may be employed by them.

§ 4. The said commissioners, as soon after the location To make plat.  
as practicable, shall make a map and report thereof, giving the distances and description of the same, and shall file the same in the office of the clerk of the county court of said county, who shall record the same. The above road, when located, shall supersede, be in lieu of, and vacate so much of a state road heretofore located between Peoria and said town of Henderson as lies between said town of Victoria and the intersection on the west line of said [section] sixteen, as specified in the first section of this act.

APPROVED February 12, 1853.

AN ACT to locate a state road from Murphysboro to Marion.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James Russell, Cyrus Thomas and Monroe Campbell be and they* Commissioners.  
are hereby appointed commissioners to locate a state road

leading from Murphysboro, in Jackson county, to Marion, in Williamson county, by way of the Eight Mile Prairie, having due regard to private property and the convenience of the public. That said commissioners shall meet at Murphysboro on or before the first day of July next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of Jackson county, well and truly to perform the duties required of them by this act.

When to meet.

Take oath.

To make plats.

When the commissioners shall have reviewed the said ground, and shall have located said road between the said places named, it shall be their duty to make out two plats of the road so located, and lay one before the county court of Jackson county, and one before the county court of Williamson county, as soon as practicable after the completion of the same, and the road so located is hereby declared to be a state road.

Plats to be evidence.

The said plats shall be evidence hereafter in all courts of record in this state, and it shall be the duty of the clerks of the county courts of Jackson and Williamson counties to record said plats on the record of their offices, and the county judges of the counties of Jackson and Williamson shall allow the said commissioners and clerks a reasonable compensation for the services required by this act.

Compensation.

APPROVED February 10, 1853.

In force Feb. 10,  
1853.

AN ACT to authorize the location of a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Sep-  
erfield, Samuel Hagner and William Riaville, of Crawford,  
county, and — McIntire, John Allen and Ovid More-  
house, of Richland county, be and they are hereby appointed  
commissioners to view and locate a state road, commencing  
at the town of Hutsonville, in Crawford county, running  
thence upon the most passable route to the town of Rob-  
inson, in said Crawford county, thence on the most eligible  
route to the Embarrass river, on or near section No. nine,  
township No. five north, of range No. thirteen west, thence  
on the most direct and passable route to the town of Olney,  
in Richland county; and in all cases to locate the same up-  
on the route of any now established road, whether county  
or state road, or such parts of any such road, where the  
same can be so done consistently with the route.

Damages.

§ 2. That said commissioners as aforesaid may assess  
damages incident to the laying out of said road, and report

their assessments to the county courts of the counties in which said road may be located; and the amount so assessed as aforesaid shall be allowed and paid out of the treasury of the counties aforesaid, in proportion to the distance in each of the counties aforesaid, by an order of the commissioners for that purpose. Expenses.

§ 3. Three, or all of said commissioners, shall meet within six months from the passage of this act, at the town of Robinson, in Crawford county, and proceed to perform the duties of this act. When to meet

§ 4. Said commissioners shall return a plat, with the courses and distances thereof, to the county court of each county through which said road shall pass, giving an entire view of the location of the whole road, which shall be filed and recorded. To make plat.

§ 5. The compensation allowed shall be as follows: To each commissioner, two dollars per day; to surveyor, two dollars and fifty cents per day; to chainmen and axemen, and other hands, one dollar per day, exclusive of incidental expenses for provisions, forage and hire of teams. They shall keep an accurate account of the time employed and expenses incurred, the persons to whom due, and certify the same to the county court. The whole being added, each county shall pay the amount due in proportion to the distance or length of such road in each county. Compensation.

§ 6. It shall be the duty of each county court through whose county said road may pass, to cause the same to be opened, worked and kept in good repair as other state roads. Open road.

§ 7. And for the purpose of erecting and constructing a good and permanent bridge across the said Embarrass river, at the point where said road shall cross the same, the said counties shall, in equal proportion of expense, cause such bridge to be built; and the said counties are hereby authorized and required, through their several county courts, to appropriate money out of the treasury thereof sufficient for the purpose aforesaid. Said bridge shall be let at public auction, after first having given public notice by posting up written notices in the most public places in each of said counties, setting forth the time, terms and place of said sale, thirty days previous to said letting. The lowest bidder shall be declared the contractor for the building of said bridge; the said contractor shall give bond and security, to be approved by the county court of Crawford county. Erecting bridge.  
Expense.  
Notice.  
Give bond.

§ 8. The county court of Crawford county is hereby required and intrusted with the sole power of giving notice and causing the letting of the bridge aforesaid. The said notice shall be given and the lettings made within six months from the passage of this act, and to be completed within such time as the last mentioned court shall prescribe. County court.



§ 9. This act shall be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 11, AN ACT to locate a state road from Decatur, in Macon county, to New Albany, in Coles county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Israel Flory, William Cantrell, of Macon county, and Samuel Yarnell, of Coles county, be and they are hereby appointed Commissioners. commissioners to lay out and establish a state road, which shall commence at the town of Decatur, in Macon county, and run thence on the most eligible route to the south-west corner of the south-east quarter of section twenty, township sixteen north, range three east, of the 3d P. M.; thence east, on or near the section line, to the north-east corner of section 29, in the same township, range four east; thence on the most eligible route to the north-west corner of the south-west quarter of section twenty-five, same township and range; thence on the most direct and eligible route to the bridge on the Lake Fork of Okaw, commonly known as "Taylor's bridge;" thence to a point where the state road running from Charleston to Bloomington crosses the main Okaw; thence the most eligible route to New Albany, in Coles county.

When to meet and make returns. § 2. Said commissioners, or a majority of them, shall meet at Decatur, in Macon county, on or before the first day of July next, or as soon thereafter as may be practicable, and take an oath before some person authorized to administer oaths, faithfully to perform the duties required of them by this act, shall proceed to lay out said road, as provided in the preceding section, and shall designate the route of said road, by placing stakes in the ground or plowing a furrow in the prairie and blazes on the trees in the timber.

Make report and file. § 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road, showing the course and distance from point to point; which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county court of the several counties through which the said road may pass; and shall make out and present to said several county courts certified copies of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make a compensation for the sums severally due, allowing

to each commissioner the sum of one dollar and fifty cents, to each hand one dollar; and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties.

§ 4. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide, and kept in repair as other state roads. Road to be opened and worked as state road.

§ 5. This act to take effect from and after its passage.

APPROVED February 11, 1853.

AN ACT to locate a state road from Shelbyville, in Shelby county, to Mt. Auburn, in Christian county. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Henry Armstrong, Wiley D. Bryson, Montgomery P. Goodrich, Commissioners. are hereby appointed commissioners to locate a state road, to wit: From Shelbyville, in Shelby county, thence with the Decatur road as far as the house of Elisha Austin, and thence by the way of the head of Robinson's creek, and near the north-east corner of James Goodwin's land, near the house of Samuel Whitehead, on the Flat Branch, in Shelby county; thence on the most eligible route to Mt. Auburn, in Christian county.

§ 2. The said commissioners, or a majority of them, shall meet at Shelbyville, in Shelby county, on the first day of April next, or within two months thereafter, as they may agree on, and upon being duly sworn before some justice of the peace of Shelby county to faithfully and impartially discharge their duties as said commissioners, shall commence at Shelbyville and locate said road on or near the route specified in the preceding section; and that said road should be located on the nearest and most eligible ground, having due regard to private property. Meet and take oath.

§ 3. Said commissioners shall designate said road by blazes on trees through timber and setting up stakes through untimbered ground; shall make out a plat of said road, with the marks and distances from point to point; which plat, when so made, shall be certified by said commissioners, or a majority of them, and a copy thereof filed in the office of the clerk of the county court of Shelby and Christian counties, and the county courts shall then cause so much of said road as lies within their respective counties to be opened sixty feet wide, and keep in repair as other public highways are. To make and file plat. Open and keep in repair.

§ 4. The said commissioners shall make out and present to the county court of each county in which said road Compensation.

may be located a certified copy of their time and the number of hands severally employed in each county; and thereupon it shall be the duty of the said courts to make a compensation for the sums severally due, in proportion to the number of days in each county, allowing to each commissioner the sum of one dollar and fifty cents, and to each hand one dollar, and to the surveyor two dollars per day for every day necessarily employed in locating said road through their respective counties; and that such other reasonable compensation shall be allowed by said courts, for the use of teams, should such be necessary, to be paid by said courts as aforesaid.

§ 5. This act to be in force from and after its passage.  
APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to locate a state road from Winchester, in Scott county, to Taylorville, in Christian county.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Albert G. Leigh, of the county of Christian, John C. Virden, of the county of Macoupin, and Daniel Avery, of the county of Scott, be and they are hereby appointed commissioners to view, mark and locate a state road from Winchester to Manchester, in Scott county; from thence to Scottville; thence, via Chapman's Point, to Virden, in Macoupin county; thence to Taylorville, in Christian county.*

Meet and take oath.

§ 2. Said commissioners, or any two of them, shall meet at Winchester, on the first Monday in March next, or at some early day thereafter, and shall take an oath before the county clerk or some justice of the peace of Scott county, faithfully to perform the duties enjoined on them by this act; and after being so sworn, such commissioners, or any two of them, shall proceed to view, survey, mark and locate said road, in the manner required by law for the location of public roads, on the nearest and most eligible route from point to point designated.

To make 'and file plat.

§ 3. Said commissioners shall be required to return to the clerks of the county courts of the several counties through which said road shall pass, on or before the first Monday in the month of June next, a correct plat of the survey of said road; which plat shall be filed in the offices of the several clerks aforesaid; and the county courts of the several counties shall cause said road within their counties to be opened and kept in repair as other public roads; and the said road shall be deemed and considered a public highway.

Opened and kept in repair.

§ 4. The commissioners acting under this appointment shall have power to employ a surveyor and such other persons as may be necessary in performing the duties assigned them, and shall make out a report and file with the clerk of each county court, stating the length of time they and others were necessarily employed in said county; and it shall be the duty of the county court to allow and pay said charges in the same manner allowed by law in locating public roads.

APPROVED February 11, 1853.

AN ACT to authorize the county court of Schuyler county to borrow money. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of the county of Schuyler be authorized to borrow any amount of money, in sums not in the aggregate exceeding ten thousand dollars, at a rate of interest not exceeding eight per centum per annum, upon such terms and conditions in relation to the re-payment of the same, or any portion thereof, and of the interest thereon, as the said court may deem best, and for the interest of said county. The sum or sums so borrowed to be appropriated by said court toward the payment of the debts of said county, and for other purposes.

APPROVED February 12, 1853.

AN ACT to locate a state road from Knoxville to Cambridge and Geneseo. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Ben Graham, of Henry county, Harman G. Reynolds and David B. Jackson, of Knox county, be and they are hereby appointed commissioners to view, mark and locate a state road from Knoxville, in Knox county, by way of Robbin's farm and Red Oak Grove, to Cambridge, and from thence to Geneseo, in Henry county.

§ 2. Said commissioners shall meet at Knoxville, in Knox county, on the second Monday in June next, or as soon thereafter as practicable; and after being duly sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, locate and mark said road between the points above desig-

nated, on the nearest and best ground, observing a due north and south course as near as practicable, by marking trees in the timber and putting up stakes in the prairie, having due regard to the public good, and doing as little damage to private property as the nature of the case will permit.

§ 3. The said commissioners, as soon as practicable after the location as aforesaid, shall make out maps and reports, giving the correct distance and description of the same, and shall file the same, or a copy thereof, in the clerk's office of the county court in each of said counties. And the county court or board of supervisors of said counties of Henry and Knox, (as the case may be,) shall allow said commissioners three dollars each per day for the time employed in laying out said road and making their report, and a reasonable compensation to their assistants, one-half of which shall be paid by each of said counties. Said county courts or boards of supervisors shall also cause said road to be opened and kept in repair as other state roads are.

APPROVED February 12, 1853.

In force Feb. 11, AN ACT to authorize the city of Knoxville to subscribe to the stock of the Peoria and Oquawka Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city of Knoxville is hereby authorized to subscribe for shares of stock in the Peoria and Oquawka Railroad Company, in any sum not exceeding fifteen thousand dollars, and which stock so subscribed for shall be under the control of the common council of said city, in all respects as stock subscribed by individuals.

§ 2. For the payment of the stock so subscribed, the common council of the city is hereby authorized to issue to said company the bonds of said city at par, bearing interest not exceeding eight per cent. per annum, payable semi-annually, with interest coupons annexed, and executed by the mayor of the city, under the seal thereof, and countersigned by the city clerk, to an amount equal to the par value of the shares of the stock subscribed, and to pledge the faith of the city for the semi-annual payment of the interest, and the ultimate redemption of the principal.

§ 3. That before the additional stock aforesaid shall be subscribed, an election shall be held to ascertain whether the inhabitants of said city are desirous that such subscription be made, and which said election shall be called by the common council of said city, and held and conduc-



ted and returns thereof made in the manner required by the fourth section of the act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,' approved November 6, 1849:"

*Provided*, that the standard of votes shall be the number of votes given at the preceding election for city officers; and in case of a majority of the voters voting at said election shall be in favor of the subscription, such authorized subscription shall then be made by the common council of said city. The bonds which may be issued under the provisions of this act, shall be issued for the amount of and at the the time when assessments upon the other stockholders of said company shall be regularly assessed and made payable: *Provided*, that the common council of said city Proviso. may at any time issue to said company the full amount of the bonds to be issued in payment of such subscription, whenever, in their discretion, they may deem it advisable.

§ 4. That the city council of said city is hereby authorized to levy a special annual tax on all real and personal property situated in said city, for the payment of the interest on said bonds, in the same manner as is provided by an act entitled "An act to authorize the city of Quincy to collect a special tax for the purposes herein named," approved February 17, 1851; and the provisions of the act aforesaid, in relation to the levy, collection and appropriation of the tax, shall, in every respect, apply to the tax to be levied by virtue of this act. City council to levy and collect tax.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

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AN ACT to establish the Recorder's Court of the city of Chicago.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That there shall be established in the city of Chicago an inferior court of civil and criminal jurisdiction, which shall be a court of record, by the name of the "Recorder's Court of the City of Chicago," and shall have concurrent jurisdiction within said city with the circuit court in all criminal cases, except treason and murder, and of civil cases where the amount in controversy shall not exceed one hundred dollars. Said court, and the judge and clerk thereof, shall respectively have the like power, authority and jurisdiction, and perform the like duties as the circuit court, and the judge and clerk thereof, in relation to all matters, suits, Recorder's court established.

Election.

prosecutions and proceedings within the city of Chicago, so far as the same are not otherwise limited by this act. Said judge and clerk shall be elected by the qualified voters of said city, and shall respectively hold their offices for five years, and until their successors shall be elected and qualified. The first election thereof shall be held at the next annual election for mayor of said city, to be held on the first Tuesday of March, 1853; and like elections shall be held every five years thereafter. The person having the highest number of votes for said offices respectively shall be declared elected thereto, and shall be commissioned by the governor.

Judge to be called recorder.

Salary and fees.

§ 2. The said judge shall be called "the recorder of the city of Chicago," and shall receive an annual salary of one thousand dollars, to be paid quarterly from the state treasury, and shall receive the like fees in addition thereto as is received by the judge of the Cook county court of common pleas, to be paid and collected in the same manner as the fees of said judge last named are paid and collected; and the provisions of the statute in relation to the said Cook county court of common pleas, in relation to the duties, compensation and liabilities of the clerk of said Cook county court of common pleas, so far as the same can be made applicable and are not inconsistent with the provisions of this act, shall apply to and govern the clerk of said recorder's court, and be in force in relation to him and his duties and powers: *Provided*, that in case the compensation and emoluments of said judge shall exceed the sum of fifteen hundred dollars per annum, then the excess shall be paid into the state treasury.

Proviso.

Said court to have a seal.

§ 3. Said recorder's court shall have a seal, to be provided by the city of Chicago; and said court shall be held in such place as shall be provided by said city, and the expenses thereof, except as herein otherwise provided for, shall be paid by said city.

Process.

§ 4. The process of said court shall be tested in the name of the clerk thereof.

Recognizances returnable.

§ 5. All recognizances, except in cases of treason and murder, taken before any judge, justice or magistrate in said city, in criminal cases, shall be made returnable to said recorder's court; and it shall be the duty of the officer taking the same to return all the papers in such criminal cases to the said court; and all fines, penalties and forfeitures had or taken in any such criminal proceeding, shall enure to the benefit of said city, and shall, when collected, be paid into said city treasury.

Appeals.

§ 6. All appeals from decisions of justices of the peace within said city shall be taken to said recorder's court: *Provided*, that when a term of the circuit court or Cook county court of common pleas shall intervene between the

Proviso.

taking of any such appeals and the next term of the recorder's court, it shall be optional with the appellant to take his appeal to any one of said courts.

§ 7. The state's attorney of the judicial circuit in which said city is situated shall be the prosecuting attorney of said court, and for his services therein shall receive an additional compensation of five hundred dollars per annum to be paid out of the same fund in the same manner as his salary as state's attorney for said circuit is paid; and the board of supervisors of said county may allow and pay said state's attorney his fees in all cases of conviction in any court in said county.

§ 8. The sheriff of the county of Cook shall perform the same duties, and have the same powers, and be liable to the same penalties in the said court as in the circuit court; and said sheriff and the clerk of the said recorder's court shall respectively be entitled to the like fees in all civil and criminal cases as are now allowed by law for similar services in criminal cases to be collected out of defendants, if convicted: *Provided*, that if said defendant has no property on which to levy, the said fees shall be paid out of the city treasury.

§ 9. The grand and petit jurors of said court shall be selected from the voters of said city who have paid a city tax for the preceding year, in the following manner: Said council shall annually select five hundred names, who are qualified to act as jurors, and who are not exempt from such service, from the list of such voters, and transmit the same to the clerk of said court, who shall keep a record thereof in a book to be provided for that purpose, and deposite such names upon separate pieces of paper in a jury box, from which he shall draw the names of the grand and petit jurors, in the presence of the recorder of said court, the sheriff or his deputy, and such persons as may see fit to attend, at least ten days before the first day of each term of said court; notices of the time and place of such drawing having been given by said clerk, by posting the same upon the door of his office for five days immediately preceding such drawing: *Provided*, that the name of no person shall be put into said box who has been drawn as a juror therefrom for the preceding year, nor shall the names drawn therefrom in any year be replaced in said box during said year, but the names in said box shall be annually renewed: *Provided*, that if for any cause said grand and petit jurors shall not be selected and drawn in the manner aforesaid, or in cases of vacancies in the panel thereof, or of the exhaustion of the same, said court may direct the same to be summoned by the sheriff, as now provided by law. All venires for jurors in said court shall be issued by the clerk of said court and executed by said sheriff as in other

cases; and all laws in relation to jurors, their compensation, duties, powers, authority and proceedings, as far as not inconsistent with the provisions of this act, shall be applied to said court.

Change of venue.

§ 10. Changes of venue in all cases, civil or criminal, may be taken from said court to either the circuit court or the Cook county court of common pleas of said county, in all cases, when the party praying for such change of venue, or his attorney, shall make affidavit that in his or her belief justice and a fair and impartial trial requires such change of venue, stating in such affidavit the particular facts and circumstances upon which such belief is founded, and the judge of said court being satisfied of the truth of such affidavit; and no other or further change of venue shall be allowed.

Appeals.

§ 11. Appeals may be taken from said court to the circuit court of Cook county in all cases, in the same manner that appeals may be taken to the supreme court; and upon such appeals errors may be assigned and the like proceedings had as upon assignments of error in the supreme court.

Terms of court,  
when held.

§ 12. The regular terms of said court shall be held on the first Monday of each month: *Provided*, that the common council of said city may diminish the number of terms or abolish any term or terms that they may deem unnecessary, not exceeding six in any one year.

Vacancies.

§ 13. Any vacancies in the office of judge or clerk of said recorder's court may be filled by election at such time as may be appointed by the common council of said city; and the person elected to fill such vacancy shall hold his office until the next regular election for such office, as provided in this act: *Provided*, that a clerk *pro tem.* may be appointed by the judge thereof, when necessary.

Proviso.

State's attorney  
*pro tem.*

§ 14. In case the state's attorney should fail to attend upon said court at any term thereof, his place shall be supplied by a state's attorney *pro tem.*, who shall be appointed by the judge, and who shall, in the meantime, receive for his services such compensation as is allowed to the state's attorney under the provisions of this act.

§ 15. This act shall take effect and be in force from and after the first day of March next.

APPROVED February 12, 1853.

AN ACT authorizing the Governor to deed certain school lands.

In force Feb. 8,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor be and he is hereby required and authorized to cause to be made out and delivered to the persons hereinafter mentioned, patents or deeds conveying all the title and interest of the state of Illinois in and to certain tracts or parcels of school lands, sold by Isaac B. Essex, in pursuance of an act entitled "An act to authorize the sale of the sixteenth section, in township twelve north, range six east, in Putnam county; approved March first, 1833," as follows, viz: To Joseph Cox, his heirs or assigns, two certain tracts or parcels of land, being a part of division numbered two (2,) or middle division of section sixteen (16,) in township twelve (12) north, range six (6,) east of the fourth principal meridian, situated in the county of Stark, as surveyed by said Isaac B. Essex, and bounded as follows, to wit: One of said tracts commencing at the northwest corner of said division No. two (2,) or middle division, and running thence east twenty-four chains, thence south eleven chains and twenty-seven links, thence west twenty-four chains, thence north eleven chains and twenty-seven links, to the place of beginning. The other of said tracts commencing at the north line of said division, twenty-four chains east of the northwest corner, and running thence east twenty-eight chains, thence south twenty-two chains and fifty-five links, thence west twenty-eight chains, thence north twenty-two chains and fifty-five links, to the place of beginning. To Matilda Mounts, Mary Jane Mounts, Caleb Mounts and Ann Mounts, heirs at law of Nero W. Mounts, their heirs or assigns, two certain tracts or parcels of land, being a part of the division aforesaid, and bounded as follows, to wit: One of said tracts commencing at the southwest corner of said division No. two (2,) or middle division, and running thence north eleven chains and twenty-seven links, thence east twenty-four chains, thence south eleven chains and twenty-seven links, thence west twenty-four chains, to the place of beginning. The other, commencing at the northeast corner of said division, and running thence west twenty-eight chains, thence south twenty-two chains and fifty-five links, thence east twenty-eight chains, thence north twenty-two chains and fifty-five links, to the place of beginning.

Governor authorized to convey certain lands.

Description.

§ 2. This act shall take effect and be in force from and after its passage, and shall not be so construed as to prejudice or effect in any way the equitable rights of any persons to the lands mentioned therein.

APPROVED February 8, 1853.



In force Jan. 27, 1853. AN ACT to prevent sheep and swine from running at large in Henry, Will and Livingston counties.

Penalty.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the first day of March next it shall not be lawful for any person or persons, possessor or possessors of any sheep and swine, to allow them to run at large within the counties of Henry, Will, and Livingston and Lake; and if any person or persons residing within said counties of Henry, Will, and Livingston and Lake, being the owner or owners, possessor or possessors of any sheep, hog or hogs, shoat or shoats, pig or pigs, shall permit them to run at large within said counties as aforesaid, such person or persons shall forfeit and pay the sum of five dollars per head to any person or persons making complaint before any justice of the peace in and for said counties, to be collected as in action for debt before such justice of the peace, with the costs of suit.

APPROVED January 27, 1853.

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In force Feb. 12, 1853. AN ACT entitled "An act to prevent sheep and swine from running at large in the county of Du Page."

Penalty.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the first day of March next it shall not be lawful for any person or persons, possessor or possessors of any sheep or swine, to allow them to run at large within the county of Du Page; and if any person or persons, being the owner or owners, possessor or possessors of any sheep, lamb or lambs, hog or hogs, shoat or shoats, pig or pigs, shall permit them, or any of them, to run at large within said county of Du Page, such person or persons shall forfeit and pay the sum of five dollars to any person or persons making complaint before any justice of the peace in the state of Illinois, to be collected as in action for debt before such justice of the peace, with the costs of the suit.

APPROVED February 12, 1853.

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In force Feb. 11, 1853.

AN ACT to relocate the county seat of Cass county.

Election.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That on the first Tuesday after the first Monday in November, in

the year of our Lord one thousand eight hundred and fifty-three, an election shall be held in the county of Cass, in the state of Illinois, at the usual places of holding elections, for the purpose of determining whether the present seat of justice of said county shall be removed and relocated.

§ 2. The judges and clerks of elections shall attend on the day of elections and conduct said elections according to the election laws of this state; and all legal voters of the county of Cass shall be entitled to vote at said election for the removal of the seat of justice of said county of Cass to the town of Virginia, in said county, or in favor of said seat of justice remaining at Beardstown, as now located.

Vote for or against removal.

§ 3. The judges and clerks of said election shall make returns of said election in the manner and time now prescribed by law in regard to other elections in this state.

Returns of election.

§ 4. When the returns shall have been made to the clerk of the county court of said county of Cass, he shall proceed to open and count the votes given for the relocation of the seat of justice at the town of Virginia, and also the votes given for retaining the seat of justice at Beardstown. The opening and counting of said votes shall be in accordance with the laws requiring the opening and counting the votes of elections in this state; and if a majority of all the votes cast for and against the removal and relocation of said county seat are in favor of its location at Virginia, then Virginia shall be and remain the permanent seat of justice of Cass county.

County clerk.

§ 5. If the seat of justice shall be relocated and established at Virginia, according to the provisions of this act, the county court of the said county of Cass are authorized, and it is hereby made their duty, to procure suitable public buildings for the public officers of said county, and also to provide a suitable place for holding court in Virginia; and when such arrangements shall have been made the records of said county shall be removed from Beardstown to Virginia; and the county and circuit courts of said county shall be held in Virginia.

County court.

APPROVED February 11, 1853.

AN ACT for the relocation of the county seat of Logan county.

In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an election shall be held in the several precincts in the county of Logan at the next regular election, to be held in November next, at which election the legal voters of said county

Election.

shall vote for and against the removal of the seat of justice from the town of Mount Pulaski to the northwest quarter of section number thirty-one, in township number twenty, range two west; and if it shall be found that the legal voters of said county, or a majority of them, have voted in favor of said removal, that the seat of justice is hereby declared to be located on the N. W.  $\frac{1}{4}$  of Sec. 31, T. 20, R. 2, aforesaid: *Provided*, that the owner or owners of said quarter section of land shall, before the said day of election, convey to the said county of Logan at least ten acres of said quarter section, to be a good and eligible location for the public buildings and public grounds; said location to be approved by the judge of the county court and his associates, or a majority of them.

*Provided.*

Duty of county court.

§ 2. If it shall appear that a majority of votes cast at said election are for the removal of the seat of justice, it shall be the duty of the county court of said county, at the court holden first after said election, to provide for the erection of the public buildings of said county, by contracting for the building of a court house; and when such court house is completed, or within thirty days thereafter, all county officers required by law to keep their office at the county seat shall remove their respective offices to said new location.

APPROVED February 14, 1853.

In force Feb. 10, 1853. AN ACT supplementary to an act entitled "an act to create the county of Grundy from the county of La Salle," approved Feb. 17, 1841.

Preamble.

Whereas it is provided by section four of the act to which this act is supplementary that the commissioners appointed under and by virtue of said act to locate the seat of justice of said county of Grundy should locate the same on the line of the Illinois and Michigan canal, on canal lands, and that they should set apart for that purpose a quantity of canal land, not exceeding ten acres, and after doing so that they should proceed to lay off said land as a town site, embracing lots, streets, alleys, and a public square, in such manner as they should deem proper: and whereas the commissioners appointed to locate the seat of justice of said county of Grundy did locate the same, as required by said act, upon canal land, being the same land now occupied by the original town of Morris, in said county of Grundy, according to the plat thereof recorded in the recorder's office of said county: and whereas the said town of Morris was laid off by and under the direction of the commissioners aforesaid, as and

for the seat of justice of Grundy county, with the design and intention on the part of said commissioners that block No. 5, on the plat of said town, should be used for and dedicated to the purposes of a public square, and said block has, since the location of the said seat of justice by said commissioners, up to the present time, been used and is now used as and for a public square, and no other public square has ever been laid off in said town: and whereas the said county of Grundy has complied with the provisions of the above recited act, by paying to the commissioners of the Illinois and Michigan canal the sum of fifty dollars, being ten dollars per acre, for one half of the said ten acres upon which said town of Morris was located; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That block No. 5 aforesaid, in the original town of Morris, according to the plat thereof on the record of said county of Grundy, be and the same is hereby declared to be dedicated to the purposes of a public square, and shall forever be used as such, and for no other purpose whatever, except it be for the site of public buildings, by order of the board of supervisors of said county of Grundy. Lot set apart for public buildings.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to establish a state road from Peoria, in Peoria county, to Rock Island, in Rock Island county.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Smith Fry, Stephen Palmer and Barney Jackson be and they are hereby appointed commissioners to view, lay out and locate a state road, commencing at the city of Peoria, in Peoria county, running from thence, and upon the most practicable route, to the town of Princeville, in said county, thence northwesterly to the town of Lafayette, Stark county, thence continuing a northwestern direction to Bishop Hill, in Henry county, thence to Cambridge, in said county, from thence to the town of Rock Island, in Rock Island county. Commissioners.

§ 2. It shall be the duty of said commissioners, or any two of them, to proceed to Peoria, in Peoria county, on or before the first day June next, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace or clerk of said county, to view, mark and locate a road, as above designated. To meet and take oath.

To make plats.

§ 3. When the said commissioners shall have laid out said road, they shall make out and deliver to the clerks of the counties through which said road [shall run,] a copy or plat of said road, which plat shall by said clerks be entered of record in their several offices, and the said entries shall be evidence in all courts of this state of the existence of said road.

Compensation.

§ 4. The compensation to each person employed in locating and establishing said road shall be one dollar and fifty cents for each day necessarily employed, exclusive of forage for their horses, except the surveyor, who shall have two dollars per day for each day so employed.

Take releases.

§ 5. The commissioners shall, as they view, appraise the damages to each tract of land through which said road passes, or they shall take a release from the owner or authorized agents of such tracts as they may release the right to damages. In assessing damages, the commissioners shall take into account the advantages as well as the disadvantages said road may be to the owner of any land through which said road may pass.

Counties to pay damages.

§ 6. The counties through which said road may pass shall pay the damages as assessed by the commissioners, unless either party takes an appeal to the circuit court, in which case the county shall wait until said circuit court may have determined the same. The county shall then pay the damages as determined by the said court; the party in default shall pay all legal cost in the cause. All appeals taken shall be taken as is now provided by law for taking appeals on laying out roads or appraising damages.

Open and keep in repair.

§ 7. Whenever said road shall have been laid out, and returns made as provided for by this act, it shall then be opened and worked, as is now provided by law for opening and working public roads.

§ 8. This act to be in force from and after its passage.  
APPROVED February 12, 1853.

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In force Feb. 14, 1853. AN ACT to locate and establish a state road from Mascoutah, in St. Clair county, to Pinckneyville, in Perry county.

Commissioners.

When to meet,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Richard Sadler, of St. Clair county, John Wesley Crain, of Washington county, and Hawkins Osborn, of Perry county, be and they are hereby authorized to meet in the town of Mascoutah on the first Monday in March next, or so soon thereafter as practicable, and proceed to view and locate a state road leading from the town of Mascoutah, in St.



Clair county, by the nearest and most eligible route, crossing the Kaskaskia river at the High Banks, on any part of section No. 22, township one south, range 6 west; from thence, on the nearest and most practicable route, to the town of Elkton, in Washington county; thence, on the straightest and most eligible route, to the town of Pinckneyville, in Perry county; and when said road has been located, and a correct survey of the same made out, together with a plat describing the lands over which it runs, and certified by a competent surveyor, together with the report of said commissioners, or a majority of them, shall cause to be filed a full and correct copy of said report, location and survey, with the clerks of the county courts of each of the above counties through which the road shall pass.

To make plat.

§ 2. The said commissioners shall be allowed (or such as may act) and paid for their services the sum of two [dollars] and fifty cents per day each for the time necessarily engaged in making said location and survey; each county paying the commissioner residing therein, whenever the same shall be authenticated to the clerk of the county court of each respective county.

Compensation.

§ 3. The said road, when located and established, shall be deemed and held to be a public road, and shall be opened and kept in repair in all respects as other public roads in this state, and the damages that may be assessed for the right of way shall be paid by each respective county, as in other cases.

To be state road.

§ 4. The said commissioners, or a majority of them, shall employ a competent surveyor, whose services shall be paid at the rate of \$3 50 per day for each and every day that he may be necessarily employed in said work, whose account, when made out, must be certified by at least two of said commissioners, and paid by each respective county as certified to in equal proportion to the services within each county.

Employ surveyor.

Compensation.

§ 5. It shall be the duty of the clerk of the county commissioners' courts of each of the aforesaid counties, to notify the supervisors of their respective counties when said road shall be located, and the survey and report filed as aforesaid, and the said supervisor, on receiving said notice, shall open said road forthwith. This act to take effect and be in force from and after its passage.

Duty of clerks.

APPROVED February 14, 1853.

In force Feb. 12,  
1853.

AN ACT for the location of certain state roads.

Commissioners. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Hutchings, Joel Rushing, of Perry county, and John J. Woodside, of Randolph county, be and they are hereby appointed commissioners to view, mark and locate a state road from the mill of William Hutchings, in Perry county, on the nearest and best route, to the east end of Grand Cote Prairie, and from thence to the section line between sections thirteen and twenty-four, township four south, range four west; thence west, on the best and most eligible ground, on the lines of the United States surveys, so as not to run angularly through any lands, to the state road from Sparta to Nashville.

Commissioners. § 2. That James Gillespie, Wiley Lane and Jephtha Glore, be and they are hereby appointed commissioners to view, mark and locate a state road from Athens, in St. Clair county, on as straight a line as practicable, to Sparta, in Randolph county, crossing Lively's Slash, at or near Lively's Point, in St. Clair county.

Commissioners. § 3. That John A. Wilson, James McHenry and George Petri, be and they are hereby appointed commissioners to view, mark and locate a state road, on the most eligible and direct route, from Lebanon, in St. Clair county, by way of Mechanicsburg and Jeffersonville, to Sparta, in Randolph county.

When to meet and make returns. § 4. Said commissioners, after being duly sworn by some justice of the peace or other officer authorized to administer oaths by the laws of this state, shall, as soon as practicable thereafter, proceed, in each case, to perform the duties required by this act, avoiding all damage to private property as much as possible, and shall, in a reasonable time after performing such duties, cause to be filed in clerk's office of the county court of each county through and in which said roads may be located, a complete plat of such road, which shall be preserved and entered on the records of said courts.

To employ surveyor. § 5. The said commissioners shall have power, in each case, to employ a surveyor and such other persons as may be necessary in the survey and location of said roads; and said commissioners and surveyors, and such other persons so employed, shall be allowed a reasonable compensation for the time necessarily employed, out of the treasuries of the respective counties through which such roads may be located and established, in proportion to the time employed in each county in laying out and locating said roads; and when said roads are laid out and located, as provided by this act, the county courts of the several counties through

Compensation.

which said roads may pass shall cause the same to be opened and kept in repair as other states roads are.

APPROVED February 12, 1853.

AN ACT to establish the county of Kankakee, and for other purposes there- In force Feb. 11,  
in named. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all those portions of the counties of Will and Iroquois lying within the following boundaries, to wit: Commencing at the state line, at the northeast corner of fractional township thirty-two north, (32,) range fifteen, east of the third principal meridian, and running thence west, on the township line, between townships thirty-two and thirty-three, (32 and 33,) to the northwest corner of township thirty-two north, (32,) range eleven (11) east; thence south, on the township line, to the southwest corner of said township thirty-two (32,) range eleven (11,) thence west six miles, on the township line, to the northwest corner of township thirty-one (31) north, range ten (10,) east of the third principal meridian, thence south, on the township line, to the southwest corner of section seven (7,) in township twenty-nine (29) north, range ten (10) east, thence east, on the section line, to the Indiana state line, thence north, to the place of beginning, be and the same are hereby created into a new county, to be called the county of Kankakee: *Provided*, that a majority of all the legal voters of each of said counties of Will and Iroquois, voting on the question, shall vote for the same in the manner hereinafter prescribed.

New county formed out of Will and Iroquois, to be called Kankakee.

Boundaries.

Proviso.

§ 2. The qualified voters of said counties of Will and Iroquois may, at a special election, to be held in the several towns or precincts of said counties, on the first Tuesday of April next, vote for or against the organization of said new county of Kankakee, by ballot, upon which shall be written or printed, or partly written and partly printed, "For the new county," or "Against the new county."

Voters to vote for or against organization.

§ 3. The county clerks of the counties of Will and Iroquois shall give notice of said election in the several election districts of said counties, in the same manner as notices of general or special elections are given, as nearly as may be; and the judges of election and the clerks of the said several election districts of said counties of Will and Iroquois, shall keep a list of the votes polled at said election, and certify to and return the same to the clerks of the county courts of their respective counties, in the same manner as is provided for general elections. The said

County clerks to give notice.

clerks shall, within seven days after said election, proceed to canvass the said vote in the same manner as in general elections; and the said clerk of Iroquois county court shall make return of the votes of said Iroquois county to William Parrish and James Lamb, of said county; and the clerk of the county court of Will county shall make return of the votes of said Will county to James Perry and William Durham, of Will county, in each case within six days after the same have been canvassed; and each of said clerks shall also, within ten days, make return of said votes to the secretary of state.

Return of votes of Iroquois county.

Return of votes of Will county.

Returns to secretary of state.

Majority of votes.

Special election.

Justices of the peace and other officers to hold their offices until they expire by law.

Voters to vote on the question of township organization.

Duties of county court.

§ 4. If it shall be found that a majority of all the voters in each of said counties of Will and Iroquois, voting upon the question, have voted in favor of the organization of said new county of Kankakee, then there shall be held a special election in the several towns and precincts within the limits, in this act described, for said new county of Kankakee, on the second Monday of May next, for county officers. Said election shall be conducted by the judges of elections then holding office under appointment or election in the counties of Will and Iroquois, and at the usual places of holding elections; at which election the qualified voters of said county of Kankakee shall elect all county officers for said county, except such as are hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and shall hold said offices until the next general election for such officers, and until their successors are elected and qualified, and shall have all the jurisdiction and perform all the duties which are or may be conferred upon or required of similar officers in other counties of this state.

§ 5. All the justices of the peace, constables or other officers who have been heretofore elected and qualified in the counties of Will and Iroquois, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of said county of Kankakee, shall continue to hold their said offices, and exercise the jurisdiction and perform the duties thereof, until their term of office shall expire, and until their successors shall be elected and qualified.

§ 6. The voters at said election for county officers shall also vote upon the question of township organization, and the same shall be conducted and returns thereof made in all respects as near as may be in accordance with the laws then in force on that subject; and if it shall be found that a majority of all the voters of said county voting at said election shall have voted for township organization, it shall be the duty of the county court of said Kankakee county to proceed to lay off said county into townships, and shall order a town meeting to be held at such time as



said county court may deem proper; and the officers then elected shall hold their offices until the next general election for such officers, and until their successors are elected and qualified: *Provided*, that in cases where justices of the peace and constables have been elected within the limits of such towns before the division of said county of Kankakee into towns, and whose term of office shall not then have expired, and whose residence shall be in any of such towns, such justices and constables shall continue in said offices, as provided in this act, and only such additional justices and constables shall be elected in said towns as may be necessary to supply deficiencies; and the said county shall become subject to all the laws in force at that time or to be enacted thereafter on the subject of township organization; but in case it shall be found that said county shall not have adopted township organization, then said county shall be subject to all the laws of this state in force where such organization has not been adopted.

*Proviso.*

Justices and constables to continue in office.

§ 7. For the purpose of fixing the permanent county seat of said county of Kankakee, the voters of said county shall, at said election for county officers, vote for some place, to be designated upon their ballots, for a county seat. Upon said ballots shall be written or printed, or partly written and partly printed, "For county seat —;" after which words shall be written or printed the name of the place intended. The place receiving the majority of all the votes polled upon that question shall be the county seat of said Kankakee county; but if no one place shall receive a majority of all the votes polled upon that question, then it shall be the duty of the county court of said county to call another election within thirty days thereafter, at the several places of holding elections in said county; at which time the voters of said county shall select and vote for one of the two places having the highest number of votes on the former election; and the place having the majority of all the votes given shall be the permanent county seat of said Kankakee county.

*How chosen.*

Second election—in what event held.

§ 8. Notices of said election for county officers shall be given by said William Parrish, James Lamb, James Perry, and William Durham, or any two of them, in the same manner as notices of general elections are given by the clerks of the county courts. Said notices shall also specify that a vote will be taken on township organization and the location of the county seat.

Notice of election, by whom given.

§ 9. Returns of said elections shall be made to Thomas Durham, of Bourbonnais Grove, within five days after said election; and said Thomas Durham, and any two justices of the peace of said county of Kankakee, shall, within seven days after said election, proceed to open the poll books, and shall canvass and make return thereof in the same

Returns, to whom made.

*How canvassed.*



manner as is required of clerks and justices of the peace under existing laws.

Suits, &c., not to be affected.

§ 10. All suits and prosecutions that have been or may be commenced in said counties of Will and Iroquois, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Kankakee, shall not be affected by this act, but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of Will and Iroquois; and the officers of said counties of Will and Iroquois are hereby authorized to execute all writs that may be necessary for the completion of said suits and prosecutions within the limits of said county of Kankakee; and all judgments that may have heretofore been obtained, or that may hereafter be obtained, under the provisions of this section shall have the same lien upon all property within the limits of said county of Kankakee as though the said territory had not been erected into a separate county.

Notice to circuit courts.

Courts, when and where held.

§ 11. As soon as the county officers shall have been elected and qualified, the said county of Kankakee shall be considered organized, and the clerk of the circuit court shall give notice to the judge of the eleventh judicial circuit, who shall hold court at such place as shall be designated by the county court of said county until the county seat is located as herein provided. Said circuit court shall be holden at such times as said judge shall direct, until otherwise provided by law.

School funds.

§ 12. The school funds belonging to the several towns embraced in the limits of said county of Kankakee shall be paid and delivered over by the school commissioners of the counties of the counties of Will and Iroquois to the school commissioner of the said county of Kankakee so soon as he shall be elected and qualified.

Commissioner.

§ 13. The county court of said county of Kankakee, or the board of supervisors, if said county should adopt township organization, may, at any term of said court or meeting of said board, (and for that purpose said board of supervisors may meet at any time after the organization of said county, on notice being given to them by the clerk of the county court,) by an order of said court or board, to be entered upon their records, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before the clerk of the county court or some justice of the peace of said county. Said county court or board of supervisors shall at the same time provide a sufficient number of blank books and deliver the same to said commissioner, who shall receipt for the same to the clerk of the county court.

§ 14. As soon as said book or books shall be delivered to said commissioner he shall record in each book a copy of the order of his appointment and of his oath of office, and shall thereupon proceed to transcribe into such book or books all such deeds, mortgages and title papers of every description, with the acknowledgments and certificates relating thereto, of lands lying in the county of Kankakee, which have been recorded or may hereafter, before the organization of said county of Kankakee, be recorded in the recorder's offices of said counties of Will and Iroquois; and there shall be allowed to said commissioner such sum for his services as said court or board of supervisors shall deem just, to be paid out of the county treasury. Said commissioner shall note at the end of each paper by him transcribed, the book, page and county from which the same was transcribed, and shall make a correct index thereto.

Duty of commissioner.

His compensation.

§ 15. When said commissioner shall have completed his work he shall make return of his said books to the clerk of the circuit court of said Kankakee county; and they shall be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the said county of Kankakee, and copies of said papers, certified by the recorder of said county, shall be evidence in all courts and places, in the same manner that deeds and title papers, regularly recorded in the recorder's office, are evidence, and with the same effect.

Effect of records transcribed by commissioner.

§ 16. The secretary of state shall forthwith furnish the county clerks of the counties of Will and Iroquois with a copy of this act, certified under the seal of state.

Duty of secretary of state.

§ 17. This act shall be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT respecting executors, administrators, guardians, and their securities. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any sole executor, administrator or guardian, or all the joint executors, administrators or guardians of any estate, or minor heir or heirs, heretofore or hereafter to be appointed by any of the courts of this state, and who are desirous of resigning such office of executor, administrator or guardian, may, by giving notice in some newspaper published in the county in which said executor, administrator or guardian was appointed, for four weeks successively preceding the sitting of any term of said court, of his or their intention

Guardian desirous of resigning.

Notice.

Adjusting acc'ts.

Court to appoint  
administrator *de*  
*bonis non*.

Bond.

Guardian may re-  
sign.Securities on  
bond desiring to  
be released.

Notice.

to present such application, and of the time and place of making such application; and in case there is not a paper published in said county, then by posting up notices as aforesaid in at least four of the most public places in said county, and also give notice in writing to his or their securities of such intention as aforesaid, at least ten days before the said term of the court. And upon stating and adjusting with such court an account of his or their actings and doings in relation to such office of executor, administrator or guardian, and paying over to his or their successor or successors in office all moneys, effects and choses in action of every kind and nature whatsoever, found to be due and owing by him or them as such executor, administrator or guardian, to the successor or successors in office of such executor, administrator or guardian, then to be appointed, the court to which said application shall be made shall order that such executor, administrator or guardian, be discharged and removed from such office of executor, administrator or guardian. And the court shall thereupon appoint some fit person or persons to hold such office as administrator with the will annexed, administrator *de bonis non*, or guardian, as the case may be, making such appointment in accordance with all the terms and provisions of the existing laws of this state as to the appointment of administrators and guardians; and the person so appointed shall then and there give bond and be subject to all such duties and liabilities of administrator or guardian as are or hereafter shall be imposed upon such officers by the laws of this state.

§ 2. In all cases when there shall be more than one executor, administrator or guardian appointed by any of the courts of this state, and when any one or more of such executors, administrators or guardians shall desire to resign such trust, it shall be lawful for such co-executor, administrator or guardian, on producing and filing [with] the court by which said letters testamentary or of administration or guardianship were granted, the assent in writing, under the hand and seal of his or their co-executors, administrators or guardians and securities to such application, and comply with all the requisitions of the first section of this act, to be discharged and removed from such office of executor, administrator or guardian, and his or their said co-executors, administrators or guardians, shall proceed to administer their said trust in the same manner as if they were surviving executors, administrators or guardians.

§ 3. That whenever any security or securities on the official bond of any executor, administrator or guardian, desire to be released from further liability upon any such official bond, it shall and may be lawful for such security on any such executor's, administrator's or guardian's bond, on giving ten days' notice to any such executor, adminis-

trator or guardian, for whom he or they may be security, after publication, as required by the first section of this act, to apply at any term of the court in which said official bond may be filed, for an order of said court to compel such executor, administrator or guardian, within some reasonable time, to be fixed by said court, to settle and adjust his or their accounts, or his or their actings and doings with reference to such office, and pay over whatever balance may be found in his or their hands, and to file in such court bond in such penalty as may be prescribed by the court, with good and sufficient security, to be approved by the court, conditioned as is or shall be hereinafter prescribed by law in case of executor's, administrator's or guardian's bonds; and in case such executor, administrator or guardian, within the time fixed by the order of said court, shall fail to comply therewith, then the court shall order that said executor, administrator or guardian be removed from his said office, and shall appoint some other fit person as administrator with the will annexed, administrator *de bonis non*, or guardian, who shall give bond as now or hereafter shall be required by law. And in case of the failure of the former executor, administrator or guardian to settle his or their accounts with reference to their said office, and to pay over to the person so appointed all moneys, effects or choses in action found to be due by him or them, by reason of their said office, then such successor shall proceed to collect the amount so due, by suit against such executor, administrator or guardian, or by suit upon his or their official bonds; and upon the payment of the amount found to be due upon said trust, and the filing and approval of the bond, as required by the order of the court, such security or securities shall be discharged.

Accounts.

Bond.

§ 4. In all cases where applications shall be made to any court in this state, under the provisions of this law, the court to whom such application shall be made shall appoint some discreet person, not interested in such application, or related to the applicants, to appear and attend to the proper settlement of accounts and the giving a proper bond in the premises.

Court to appoint.

§ 5. The applicant or applicants, in all cases provided for by this law, shall pay all costs incurred thereby, including a reasonable allowance to the person appointed by said court to defend the interest of the estate or minors, which shall be fixed by the court. And the court shall render a judgment against the applicants, in all cases arising under this law, for all such costs; which may be collected by execution, as in case of other judgments.

Costs.

§ 6. Nothing in this act contained shall be so construed as to release any executor, administrator or guardian, or their securities, from any previous liability, or from any

Liability not released.



breach of their bonds, or of their official duties accruing before the filing of the new bonds required by this law, and a full compliance with orders of said courts in the premises.

This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to amend an act entitled "An act to protect owners of wood-yards against the illegal acts of steamboat masters and officers," approved February 28, 1845.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases arising under the act to which this is an amendment, the steamboat or boats shall be and is hereby made liable for all the acts of the master, captain or other officers, arising under the provisions of said act to which this is an amendment.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT in relation to the county revenue of McDonough county, and regulating the collection of the taxes levied for corporate purposes in the town of Macomb, in said county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all taxes hereafter assessed for and within the town of Macomb, in McDonough county, for town purposes, shall be collected by the sheriff of said county, and paid over by him to the town treasurer; in the performance of which duty he shall be governed by the same rules and shall receive the same compensation as in the collection and payment of the county tax.

§ 2. The assessment of the real and personal property in the town of Macomb, in said county, by the county assessor, shall be the assessment for town purposes; and said assessment shall always be open to the trustees of said town for the purpose of levying town taxes. Whenever the trustees of said town shall decide to levy a tax, the clerk of the county court shall make out and deliver to the sheriff such tax list at the same time and in the same manner as the tax list is made out for county purposes.



§ 3. Lands and town lots in said town, on which taxes Advertised. shall remain due and unpaid, shall be advertised with the delinquent list for county purposes, and shall be sold at the regular annual sale of lands and lots for state and county taxes.

§ 4. A road district is hereby formed, embracing four Road district. square miles, of which the court house, in said town of Macomb, shall be the centre, to be exclusively under the control of the trustees of said town.

APPROVED February 12, 1853.

AN ACT to provide for making indexes to certain records in La Salle county. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the clerk of the county court of La Salle county be and he is Clerk authorized to make indexes. hereby authorized to make complete indexes of the records of the late county commissioners' court and of the probate court of said county, now remaining in his office, of which no indexes now exist.

§ 2. The board of supervisors of said county shall de- Compensation. termine the time and the manner of making such indexes, and shall allow and pay to said clerk a reasonable compensation for his services in making such indexes; the amount of said compensation to fixed by said board of supervisors.

§ 3. This act to be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to authorize the county court of Sangamon county to transcribe In force Feb. 10, 1853. certain records.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Sangamon county are hereby authorized County court authorized to transcribe certain records. and empowered to have transcribed certain records of deeds, mortgages and other instruments of writing, belonging to the recorder's office of said county.

§ 2. That the said transcript, when made and properly Transcript to be certified. certified by the clerk of the circuit court and *ex officio* recorder of said county, shall have all the legal force and effect of the original record.

§ 3. This act to be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 10, 1853. AN ACT to enable the inhabitants of West Jacksonville school district to levy a special tax for a special purpose.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That by vote, in the manner prescribed by law, the inhabitants of West Jacksonville school district may vote and levy, for one or more years, a special school tax, to provide the means for the purchase and extinguishment of the interest of Harmony Lodge, No. 3, of Free and Accepted Masons, in the school house of said district.*

APPROVED February 10, 1853.

In force Feb. 10, 1853. AN ACT to repeal the second section of an act passed February the 12th, A. D. 1849, entitled "An act regulating the collection of the road tax," in its application to Henry county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the second section of an act passed February 12th, A. D. 1849, entitled "An act regulating the collection of the road tax," in its application to Henry county, be and is hereby repealed.*

§ 2. The county court of Henry county shall, in future, disburse the amount of road tax collected within said county, instead of the supervisors of the said road districts.

§ 3. The supervisors of the respective road districts in the said county of McHenry, shall pay into the county treasury all funds not expended by them at the time this act shall take effect.

§ 4. This act shall be in force from and after the first day of March next.

APPROVED February 10, 1853.

In force Feb. 3, 1853. AN ACT regulating the collection of taxes in Hancock county for the year 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the assessment of property for taxation, and the returns thereof, made by the assessors of the several towns in the county of Hancock, and the tax lists and warrants made and delivered to the collectors of said towns, for the year A. D. one thousand eight hundred and fifty-two, be and they are*

Assessment declared valid.

hereby declared to be as good and valid as they would have been had the act to provide for township organization remained in full force and effect in said county.

§ 2. The collectors aforesaid are authorized and required to make and complete the collection of the taxes of the said year one thousand eight hundred and fifty-two, make settlement, pay over the moneys collected by them, and make their returns to the county treasurer in like manner and at the time provided for by the act aforesaid. And the county treasurer is hereby authorized and required to receive and pay over the taxes collected by town collectors and to collect and pay over the taxes on the non-resident delinquent list. He shall advertise and sell said property, and do and perform all and every thing necessary to be done and performed in and about the collection and settlement of the taxes aforesaid, in like manner and at the same time that is provided for by an act entitled "An act providing for township organization," approved February 17th, one thousand eight hundred and fifty-one; and so much of said act as relates to the assessment of property and the collection of taxes shall be and remain in full force and effect in the said county of Hancock until after the collection of the taxes of the year one thousand eight hundred and fifty-two aforesaid.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 3, 1853.

AN ACT to authorize the town of Rockford, in Winnebago county, to elect additional justices of the peace and constables, and for other purposes therein mentioned. In force F. b. 5. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be chosen in the town of Rockford, at the next annual town meeting thereof, two justices of the peace and two constables for said town; and that said town of Rockford, from and after the first day of April, A. D. 1853, shall be entitled to four justices of the peace and four town constables, who shall hold their offices for the same time and under the same restrictions as town justices of the peace and town constables may hold office under the act to provide for township organization, in force April 1, 1851.

§ 2. The board of auditors of the town of Rockton, in Winnebago county, are hereby authorized to subscribe to the capital stock of any railroad which passes through said town of Rockton, any amount of money not exceeding fifty thousand dollars, and to issue bonds pledging the faith of

Rate of Interest.

Levy tax.

Election.

the town therefor, bearing any rate of interest not exceeding ten per cent. per annum. The board of auditors of said town shall, whenever they shall issue any bonds according to the foregoing provisions, proceed immediately to levy a tax sufficient to meet the interest on such bonds; which tax shall be assessed and collected at the same time and in the same manner that the state and county taxes are assessed and collected.

§ 3. On application of ten legal voters, in writing, to the town clerk of said town, said clerk shall post up notices in five of the most public places in said town, that an election will be held to decide whether the town will subscribe for stock in any railroad, as provided in this act.— Said notice shall be given at least twenty days previous to said election, and no stock shall be taken or subscribed for any railroad unless a majority of the legal voters voting at said election shall be in favor of subscribing stock as aforesaid. Said election may be held at the same time and in the same manner that annual or special town meetings are held.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12,  
1853.

AN ACT to authorize Archibald Adams to peddle goods in this state.

Allowed to peddle  
goods.

Provido.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Archibald Adams, of Whiteside county, in consideration of great bodily infirmities, shall be entitled to have a state license granted to them [him] by the proper authority of the state, to peddle goods, wares and merchandise, anywhere in the state, free of charge, during his natural life; or if he is unable to peddle, he may employ an agent: *Provided,* said Archibald Adams shall peddle on his own account, and shall not at any time employ a capital over five hundred dollars in his business, and shall not employ more than one agent each.

§ 2. This act shall be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to authorize the county of Warren to levy and collect a special tax for the purposes therein mentioned. In force Feb. 11, 1853.

Whereas the county of Warren, under the provisions of an act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,' " in force the 6th day of November, A. D. 1849, subscribed fifty thousand dollars to the capital stock of the Peoria and Oquawka Railroad Company; and whereas the county court of said Warren county have provided for the issue of the bonds of said county to the amount of fifty thousand dollars, bearing seven per cent. interest, to meet the instalments upon said stock subscribed by said county, as the same becomes due and payable, a portion of which bonds have already been issued; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county of Warren is hereby authorized to levy and collect a special annual tax upon the property, real and personal, situated in said county of Warren, sufficient for the payment of the annual interest which may accrue upon said bonds so issued or to be issued for the purpose aforesaid. Preamble.  
Special tax.

§ 2. The special tax aforesaid shall be levied and collected at the same time and in the same manner as the other taxes levied by said county; and the said county and the officers thereof shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property, or otherwise, as is or may be provided for in other cases relating to the county revenue. When to be collected.

§ 3. Said tax, when collected, shall by the said county be set apart and held separate and distinct from the other portions of the county revenue, as a fund specially pledged for the payment of the annual interest on the bonds aforesaid, and shall be by the said county, from time to time, applied to the payment of said interest, as the same becomes due and payable, and to no other purpose whatever. Tax to be set apart for special purpose.

§ 4. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to repeal an act entitled "An act to amend an act entitled 'an act for the improvement of a part of the Illinois river, and for hydraulic purposes,' approved and in force February 12, 1851." In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an act entitled "An act to amend an act entitled 'an act for the



Act repealed.

improvement of a part of the Illinois river, and for hydraulic purposes, approved and in force February 12, 1851," which said act was approved June 23, 1852, be and the same is hereby repealed.

Moneys to be refunded.

§ 2. All moneys collected by any collector in pursuance of the provisions of the first section of said act, shall be refunded to the persons from whom they were collected, upon demand.

§ 3. This act to be in force from and after its passage.  
APPROVED February 10, 1853.

In force Feb. 12, 1853. AN ACT to regulate the practice in the circuit court of Cook county and the Cook county court of common pleas.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there

Term of circuit and county court of Cook county.

shall be held annually four terms of the circuit court of Cook county, and eight terms of the Cook county court of common pleas. The said terms of the circuit court shall

When holden.

be held on the first Monday of May, and fourth Monday of March and October, and third Monday of November; and the said terms of the Cook county court of common pleas

Term of circuit court.

shall be held on the first Monday of January, February, March, April, June, July and November, and the second Monday of September; and process may be issued returnable to either of said terms, or to the next succeeding term of said courts respectively, after the date of such process, or to any subsequent term which may commence within three months from the date of such process. The terms of said circuit court to be held on the first Monday of May and the third Monday of November, and the terms of said court of common pleas to be held on the first Monday of February and the second Monday of September, shall be trial terms, at which jury trials shall have the preference of all other business, and all causes for trial shall be disposed of before any other business shall be taken up, excepting such business as may be incident to or necessary for the proper disposal of said jury trials: *Provided*, that in case the judges of said courts respectively shall direct the petit jury, for any term, to be summoned to appear on the second week thereof, in such case any other causes may be tried or business disposed of during the first week of such term. The other terms of said courts herein provided for shall be called vacation terms.

Proviso.

File written notice.

§ 2. Any party desiring to have a motion, plea or other matter cognizable at a vacation term, disposed of, shall file a written notice thereof, together with the papers on which

such motion is founded, in the clerk's office, and serve a copy of said notice on the attorney of the opposite party, or in case he has no attorney, then upon the opposite party, at least four days before the commencement of such term. The clerk shall make a list of such notices in the order in which the same are filed, and upon proof of due service thereof the court shall take up and dispose of said matters in their order, unless satisfactory reasons for further delay be shown. Such vacation terms may be held at the court house, or at the judge's chambers, at his discretion, and it shall be the duty of the clerk and sheriff to attend at such vacation terms.

Duty of clerk.

Vacation.

§ 3. Any party having commenced suit in either of said courts, shall be entitled to a default at any vacation term, upon proof of due service of process upon the defendant, and a copy of the declaration with a rule to plead, at least ten days before such term, unless such defendant, or the attorney of such defendant, if such defendant be a resident of such county, shall, before the expiration of said ten days, if the suit be founded on a contract, file a plea to said action, and also an affidavit setting forth that he believes he has a good defence to said suit upon the merits: *Provided, however*, that the defendant shall have a right to file a plea in abatement, demurrer or motion to quash said action, in which case said plea, demurrer or motion shall be in order to be disposed of at the term at which the same is filed, or at the next vacation term, in case the same shall be filed in vacation without service of notice. In all cases where it shall appear by affidavit or otherwise that the defendant resides out of the county, the court may allow time to procure an affidavit of merits.

Default to be entered.

Proviso.

§ 4. In all cases where a demurrer, plea or motion shall be filed which the court shall adjudge to be frivolous, the plaintiff shall be entitled to judgment, as in case of default. When the issue is made up in any cause at a vacation term, the parties shall determine whether the cause is to be tried by a jury, or by the court without the intervention of a jury, and an order of the court shall be made accordingly, and such cause shall be set down to be tried in the manner stated in said order, and not otherwise. A special jury may be summoned from the bystanders whenever the court may adjudge it necessary, at a trial term or a vacation term.

Judgment to be rendered in certain cases.

Special jury.

§ 5. Causes may, by agreement, be tried before the judge at any vacation term, and judgment entered and execution issued thereon.

Judgment entered in vacation term.

§ 6. In all cases where defaults have been taken, the court may, without the intervention of a jury, assess the damages, and execution may issue forthwith upon the rendition of judgment.

Damages.

Judgments to be  
liens.

Proviso.

§ 7. All judgments rendered in either of said courts shall become liens from the time such judgment shall be entered on the judgment docket of such court: *Provided*, that as between judgment creditors and other parties claiming under the lien of such judgment rendered at the same term of the court, or on the same day in vacation, there shall be no preference or priority of the lien of one judgment over that of another.

Open for the  
transaction of  
chancery busi-  
ness at all times.

§ 8. The said courts shall always be open for the disposal of all matters in chancery, whether interlocutory or final, and shall possess all the power in vacation which they could exercise in term time, subject to such rules and regulations with respect to the practice as said courts may from time to time adopt: *And provided further*, that no final decree shall be entered up unless where specially authorized by statute, except at a vacation or regular term of said court.

Appeals and writs  
of errors.

§ 9. Appeals and writs of error shall lie to any final judgment rendered at any vacation term of said courts; and bills of exceptions may be allowed and signed in the same manner as is now provided by law.

Notice.

§ 10. Notice of a motion to set a cause in chancery for final argument, shall not be in order until the pleadings in the same are closed, and the cause is at issue.

Notice to take up  
motions to be  
given.

§ 11. Any party desiring to take up any motion, demurrer or plea in chancery, may do so on giving ten days notice thereof, in manner hereinbefore provided.

Injunctions.

§ 12. One day's notice of a motion to dissolve an injunction shall be sufficient, unless satisfactory cause be shown for further delay, or the court or judge shall otherwise direct.

Continuances.

§ 13. All motions for continuances of causes shall be made on the first or second days of trial terms, unless the cause for such continuances shall have arisen subsequently to such days, or unless said court shall, in their discretion, allow such motions to be made subsequently.

Suits on contracts

§ 14. In all suits arising on contracts, brought to any term of said courts, the plaintiff shall be entitled to judgment, unless the defendant shall, with his plea, file an affidavit of merits, plea in abatement, demurrer, or motion to quash, as hereinbefore provided.

Creditor's bill.

§ 15. A creditor's bill may be filed or garnishee process issued in either of said courts before the return day of the execution: *Provided*, that the execution shall first be returned by the sheriff unsatisfied, either in whole or in part, and that the plaintiff, or some person for him, shall file an affidavit, setting forth that there is danger that the benefit of said judgment will be lost unless the said plaintiff be allowed to file such creditor's bill or issue such garnishee process before the return day of such execution; and such garnishee process may be issued and the bond filed,

Proviso.

Garnishee pro-  
cess.

approved by the clerk in vacation, as well as in term time. It shall be the duty of the judges of the said courts to establish rules of practice not inconsistent with this act, and they shall endeavor to make the same uniform in each of said courts.

§ 16. No grand or petit jury shall be summoned for any vacation term of either of said courts, unless the judge thereof shall make an order for summoning such jury or juries; which order may be made in vacation as well as in term time. Grand and petit juries.

§ 17. The fees to be paid upon the commencement of suits on confessions of judgments or the taking of appeals in the Cook county court of common pleas, shall hereafter be as follows: On confessions of judgments, two dollars for each confession; in suits on the law side of said court, two dollars and fifty cents in each suit; in appeal cases, one dollar and fifty cents in each suit; in chancery suits, three dollars in each suit—to be taxed, collected and paid, as provided in the fourth and fifth sections of "An act to provide for the election of certain officers therein named," approved Feb. 6th, 1849. And the judge of said court shall hereafter receive the same salary from the state treasury that is paid to the respective judges of the circuit courts. Fees, when paid.  
Judge's salary.

§ 18. All persons who may remain in custody under any indictment found in either of said courts, after the adjournment of any term thereof, shall be tried in the first term of either of said courts which shall be held, and all the papers and proceedings in the court in which such indictment may be pending, shall be transferred, if necessary, by the clerk, to the court which is required to try such indictment by the provisions of this section, who shall certify to the correctness of the same; and the proceedings had in such court to which such indictment may be transferred shall have the same force and validity as if had in the court in which such indictment was originally found. Indictments.

§ 19. In all applications for change of venue in criminal cases the applicant shall set forth in his petition the particular facts and circumstances upon which his belief or fears are founded; and the granting or refusing such application shall be discretionary with the judge or court to whom the application may be made. Change of venue.

§ 20. All laws and parts of laws conflicting with this act be and the same are hereby repealed.

APPROVED February 12, 1853.



in force Feb. 12, 1853. AN ACT to amend an act entitled "An act to amend chapter ninety-three of the Revised Statutes, and to locate certain roads."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the nineteenth section of the above recited act as gives to the county court supervision and control of all roads and public highways in counties which have adopted township organization, be and the same is hereby repealed.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 12, 1853.

in force Feb. 12, 1853.

AN ACT amendatory of and supplemental to an act therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of an act entitled "An act making appropriations for the pay of the officers and members of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session of the general assembly," approved February 17th, 1851, as provides that the secretary and assistant secretary of the senate, the clerk and assistant clerk of the house of representatives, shall be paid the sum of five dollars each per day, and that the enrolling and engrossing clerks of the senate and house of representatives shall each be paid the sum of three dollars per day, be and the same is hereby repealed, and there shall be allowed and paid to said officers the following compensation for their services, viz: To the secretary and assistant secretary of the senate, and the clerk and assistant clerk of the house of representatives, the sum of six dollars each per day, and to the enrolling and engrossing clerks of the senate and house of representatives each the sum of five dollars per day.

*And be it further enacted,* That there shall be allowed and paid to the sergeant-at-arms and assistant sergeant-at-arms of the senate, and door-keeper and assistant door-keeper of the house of representatives, the sum of five dollars each per day.

§ 2. There shall be allowed and paid to any and all extra assistant clerks necessarily employed by the secretary of the senate, or by the clerk of the house of representatives, the sum of four dollars each per day for the time actually employed, to be certified by the secretary of the senate and principal clerk of the house. And there also shall be allowed and paid to the assistant enrolling and engrossing clerks of the senate and house of representa-



tives, each the sum of four dollars per day for the time actually employed, to be certified by the principals.

§ 3. The compensation hereby allowed to each of the officers named in this act shall be certified and entered on the journals and paid in the manner provided by the act to which this is amendatory and supplemental. Certificate.

§ 4. So much and such parts of the act to which this is amendatory and supplemental, and of all other acts now in force as conflict with the provisions of this act, are hereby repealed.

§ 5. To the order of the inspectors of the penitentiary, the sum of five thousand and one hundred dollars; which amount was paid by the lessee of the penitentiary into the state treasury for the bonus or rent of the penitentiary for the first year of the present lease, and that the inspectors are authorized to use the same in rebuilding that portion of the main wall which has fallen, and for such other improvements as they may deem necessary. This act to take effect and be in force from and after its passage. Inspectors to repair penitentiary.

APPROVED February 12, 1853.

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AN ACT making appropriations for the pay of officers and members of the General Assembly, and for the salaries of the officers of the government, from the end of the present session until the adjournment of the next regular session of the General Assembly. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the following appropriations be and the same are hereby made to the members and officers of the General Assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session thereof. Appropriations.

1st. To the speaker of the senate and house of representatives, each the sum of three dollars per day for the first forty-two days' attendance, and two dollars per day for each day's attendance thereafter. Speaker of senate and house of representatives.

2d. To each member of the senate and house of representatives, the sum of two dollars per day for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter. Senators and representatives.

3d. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel, in going to and returning from the seat of government. Milage.

4th. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each the sum of five dollars per day. Secretary, clerks and assistants.

Sergeant-at-arms,  
door-keeper and  
assistants.

5th. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and to the door-keeper and assistant door-keeper of the house of representatives, the sum of four dollars per day.

Engrossing and  
enrolling clerks.

6th. To the enrolling and engrossing clerks of the senate and house of representatives, each the sum of four dollars per day.

Assistants.

7th. To the assistant enrolling and engrossing clerks of the senate and house of representatives, each the sum of four dollars per day.

Compensation,  
how certified.

8th. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses, and entered on the journals and published at the close of the session: *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerk of the house and entered on the journals, and published as aforesaid; which said certificates, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively, who shall issue his warrants on the treasury for the amount to which each person shall be entitled as aforesaid, to be paid out of any moneys not otherwise appropriated.

Appropriation for  
salaries.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature, as aforesaid:

Governor.

1st. To the governor, at the rate of fifteen hundred dollars per annum.

Auditor.

2d. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire; and to the said auditor at the rate of two thousand dollars per annum for clerk hire.

Treasurer.

3d. To the state treasurer, at the rate of eight hundred dollars per annum, exclusive of clerk hire; and to the said treasurer at the rate of six hundred dollars per annum, for clerk hire.

Secretary of state

4th. To the secretary of state, at the rate of eight hundred dollars per annum, exclusive of clerk hire; and to the said secretary of state at the rate of five hundred dollars per annum for clerk hire.

Judges of su-  
preme court.

5th. To each of the judges of the supreme court of the state, at the rate of twelve hundred dollars per annum.

Circuit judges.

6th. To each of the judges of the circuit courts, at the rate of one thousand dollars per annum.

Inspectors of pen-  
itentiary.

7th. To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day: *Provided*, that the same shall not exceed to each the sum of one hundred dollars per annum.

8th. To the porter to the state officers, at the rate of one dollar and twenty-five cents per day; and to the assistant porters, for services during the present session, one dollar and twenty-five cents per day for the time necessarily employed, to be certified by the secretary of state.

Porter to the  
state house.

Assistants.

9th. To the secretary employed in the fund commissioner's office, at the rate of four hundred dollars per annum, to be employed no longer than is necessary in the opinion of the governor.

Fund commis-  
sioner's secreta-  
ry.

To the judge of the Cook county court, created by an act approved twenty-first day of February, one thousand eight hundred and forty-five, at the rate of six hundred dollars per annum.

Judge of Cook  
county court.

To the prosecuting attorney of the said Cook county court, at the rate of two hundred and fifty dollars per annum.

Prosecuting at-  
torney.

To the extra assistant clerks employed by the engrossing and enrolling clerk of the senate, and the engrossing and enrolling clerk of the house of representatives, each the sum of four dollars per day for the time actually and necessarily employed; the number of days thus employed to be certified by the principal clerk.

Extra clerks.

And it shall be the duty of the auditor of public accounts to issue his warrant on the treasurer for quarterly payments to the foregoing named officers.

Auditor to issue  
warrants.

To each of the bank commissioners, the sum of five dollars per day for the time actually employed as such commissioners, and ten cents per mile for every necessary mile's travel, in the discharge of their duties as such commissioners. The said commissioners to exhibit their accounts to the governor, and when approved by him to be paid out of the state treasury.

Bank commis-  
sioners.

APPROVED February 14, 1853.

AN ACT to authorize the trustees of schools in and for Bolander's school district, number one, in townships twenty-eight and twenty-nine north, of range number nine east, in Stephenson county, to convey certain lands therein mentioned.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the trustees of schools in and for Bolander's school district, No. one, townships twenty-eight and twenty-nine north of range No. nine east, in Stephenson county, be and they are hereby fully authorized and empowered, as such trustees, to convey all the title now vested in them to the following described lot of land to John Bolander, or to his heirs or as-*

Trustees empow-  
ered to convey  
real estate.

signs, to wit: Commencing at the quarter section post, on the southern boundary of section number thirty-two, of township number twenty-nine aforesaid, thence north thirteen perches, thence east thirteen perches, thence south thirteen perches, thence west thirteen perches, to the place of beginning, containing one acre, more or less; and such deed, when so made, shall be deemed good and valid in law to divest the title of said trustees, as above specified, and to vest the same in the said John Bolander, his heirs or assigns, as fully as the same is now held by the said trustees.

§ 2. This act to be in force from and after its passage.  
APPROVED February 12, 1853.

in force Feb. 10, 1853. AN ACT entitled an act to authorize the trustees of schools of township seventeen south, range one west, in Alexander county, to appropriate a portion of the school fund to the erection of a school house and purchase of furniture or the same.

Trustees to build school house. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for the trustees of schools of township seventeen south, of range one west, in Alexander county, in this state, to use and appropriate a portion of the moneys now on hand, being the interest on the proceeds of the sales of school lands in that township, for the erection of a school house in said township, and for the purchase of the furniture for the same: *Provided*, the amount so appropriated shall not exceed five hundred dollars; *and provided also*, the inhabitants of said township shall approve of such appropriation by a vote, to be taken agreeably to the provisions of sec. 81 of an act entitled "An act to establish and maintain common schools," approved February 12, 1849.

Proviso. APPROVED February 10, 1853.

in force Feb. 12, 1853. AN ACT to authorize the county court of Bond county to borrow money and to levy and collect a special tax to build a court house.

Borrow money. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Bond county be and are hereby authorized to borrow any sum of money not exceeding ten thousand dollars, at any rate of interest not exceeding ten per cent.

per annum, to be agreed upon, for the purpose of erecting a court house in said county.

§ 2. The said county court, for the purpose of paying <sup>Special tax.</sup> the interest upon such loan, and reimbursing the principal, are hereby authorized to levy and collect a special tax upon the property in said county, to be denominated the court house tax, which shall be faithfully applied to the extinguishment of the debt created for the above purpose, and none other.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to provide for the service of process on informations in the nature of a *quo warranto*. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases of information in the nature of a *quo warranto*, the relator may cause a copy of the information, together with a notice of the commencement of such proceedings, to be delivered to any defendant or defendants, or body politic and corporate, interested in such proceedings, and residing or being without this state, not less than forty days previous to the commencement of the term at which such defendants may be required to appear, which service when proved to the court by the oath or deposition of any person competent to be a witness in the cause, shall be as effectual as if such service had been made in the usual form within the limits of this state.

§ 2. In cases of such service on any incorporated company, it will be sufficient to make the same upon the president or the principal clerk or cashier, secretary or principal agent or superintendent of such company.

APPROVED February 12, 1853.

AN ACT to repeal certain laws therein named.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all laws and parts of laws of this state which provide for the punishment of crimes and offences against the law by whipping, shall be and the same are hereby repealed. This act to be in force from and after its passage.

APPROVED February 12, 1853.



In force Feb. 10,  
1853.

AN ACT granting a certain right of way therein named.

Right of way do-  
nated:

Provis.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* so much of the right of way for a certain railroad belonging to this state, running from Savanna, on the Mississippi, to Galena, and which was laid out and graded by virtue of an act entitled "An act to establish and maintain a general system of internal improvements," in force February 27, A. D. 1837, and supplementary and amendatory acts thereto, be and the same is hereby donated and granted to the Chicago, St. Charles and Mississippi Air Line Railroad Company: *Provided*, that this grant shall be void unless said company shall extend their railroad from the point where their railroad strikes the Mississippi river, or from some point on said railroad, east of said river, to Galena, within six years from the passage of this act, which they are hereby authorized to do. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 13, 1853. AN ACT to authorize the persons therein named to build a bridge across Lusk creek, in Pope county.

Authority to  
build bridge.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Newton D. Clark, Phillip D. Field, John Gilbert, John Raum and James McCoy, and their associates, heirs and assigns, be and they are hereby authorized to build a toll-bridge across Lusk creek, at Golconda, in Pope county, at the mouth of said creek, or at any other place above the mouth which may be selected by the persons above named, or a majority thereof, as suitable for the construction of said bridge: *Provided*, the construction of said bridge shall be commenced within one year, and completed within three years from the passage of this act.

Toll-gates.

Rates of toll.

SEC. 2. The said persons, their associates, heirs and assigns, are hereby authorized, after the completion of said bridge, to place a toll-gate at either end of said bridge, and may demand toll of any and every person crossing said bridge, as follows: For each head of hogs or sheep, one cent each; for each head of cattle, two cents; for each one horse wagon or carriage, five cents; for each two horse wagon, drawn by horses or oxen, ten cents; for each three horse wagon, drawn by horses or oxen, fifteen cents; for each four horse wagon, drawn by four animals, twenty cents; for each wagon, drawn by six animals, twenty-five cents; for

each led horse, mule or ass two cents; for one horse and rider, five cents; and every foot person go free of charge.

§ 3. That the persons above named, their associates, heirs and assigns, shall have the right to erect a suitable house at either end of said bridge, for the convenience of a collector of tolls: *Provided*, the same shall not interfere with the travel to and from said bridge. Erect toll house.  
Proviso.

§ 4. The said persons above named, their associates, heirs and assigns, shall at all times, after the completion of said bridge, keep the same in good repair and allow a speedy passage; and if any person in crossing said bridge shall sustain any injury or damage, either to himself or his property, in consequence of said bridge not being kept in good repair, the proprietor or proprietors thereof shall be responsible for the same in their private property. Bridge to be kept  
in repair.

§ 5. Any person or persons crossing said bridge with any beast, carriage or other vehicle in a faster gait than a walk, shall, for every such offence, be subject to a fine of five dollars, to be recovered before any justice of the peace, in an action of debt, by any persons desirous of prosecuting the same: *Provided*, that notice of the same shall be put in large capitals at either end of the bridge. This act to take effect and be in force from and after its passage. Penalties.

APPROVED February 12, 1853.

AN ACT to amend an act to improve the navigation of the Embarrass river, In force Feb. 12, approved February 17, 1847. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the law authorizing and requiring the county court of Lawrence county to levy a tax for the improvement of the navigation of the Embarrass river, approved Feb. 17th, 1847, be so amended as to authorize said court to expend the moneys arising from said tax in building a jail or any other public improvements in the said county of Lawrence.

§ 2. That this act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to authorize the drainage of lands in township 40, range 13, east of the third principal meridian.

Exemption.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act the lands lying within township 40, range 13, east of the third principal meridian, shall be exempt from the operation of an act entitled "An act to authorize the drainage of lands in the townships therein mentioned, and to construct roads therein," approved June 23, 1852: *Provided, however,* that any and all liabilities on account of work done on contracts entered into by the Cook county drainage commissioners, named in said act, in pursuance of the powers therein granted, shall be and remain in full force and virtue; and all legal and equitable remedies shall be enforced in the same manner as though said act was not modified by this act, any thing in this act contained to the contrary notwithstanding.

Election of commissioners.

§ 2. That the legal voters of said township, at their annual town meetings, may from time to time elect three persons, residents and freeholders of said township, who shall, when elected, be vested with the same powers within the township above named as the said Cook county drainage commissioners are now vested by law, and shall in all respects be governed and controlled by the provisions of said law, and shall be a body politic and corporate, and shall be known by the name of "Drainage Commissioners of the town of Jefferson."

Term of office.

§ 3. Said persons may be elected at the next annual town meeting of said town, in the same manner as other town officers, and shall hold their office for one year, and until their successors are elected, but shall not be eligible to re-election.

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT in relation to the evidence of the proceedings of corporations.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That copies of all papers, books, or proceedings, or parts thereof, appertaining to the transaction of any railroad company, banking association, or other corporation, certified to be true copies by the clerk, secretary, cashier, or other keeper of the same, under the seal of such company, bank or corporation, or under the private seal of such clerk, secretary, cashier, or other keeper of the same, if there be no seal in such company, bank or corporation; the said clerk,

secretary, cashier or keeper also certifying that he is intrusted with the safe keeping of the original of which he gives certified copies, with an affidavit of the truth of such certificate, taken before some officer authorized to administer oaths, being annexed thereto, shall be received as *prima facie* evidence of the facts so certified in all the courts of this state, in any suit or proceeding pending before them.

APPROVED February 12, 1853.

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AN ACT to authorize the governor to adjust a claim of Nevins, Townsend and company. In force Feb. 12, 1853.

Whereas under an act of the legislature, approved March 1st, 1843, the governor, auditor and treasurer acknowledged that there was due to Nevins, Townsend and company the sum of fifteen hundred dollars for money advanced by said Nevins, Townsend and company, to pay the balance of interest due from the state; and whereas under said law Governor Ford executed a note to said Nevins, Townsend and company for said sum.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor of this state be and he is hereby authorized to issue a certificate of internal improvement stock for the sum of fifteen hundred dollars, and an interest certificate for the same, at seven per cent. interest per annum, from the 25th day of August, 1843: *Provided,* no bond or certificate shall be issued under this act, unless the governor shall be satisfied that the above amount is justly due and has not been paid.

APPROVED February 12, 1853.

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AN ACT to attach certain townships therein named for school purposes. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter, fractional township No. five north, range nine west, in Hancock county, be and the same is hereby attached to fractional township No. five north, range eight west, in said county, for all school purposes; and that the inhabitants of said fractional township five north, range nine west,

Territory attached for school purposes.

shall be entitled to enjoy and have the same benefits of the school fund of said fractional township five north, range eight west, as if inhabitants thereof.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 8,  
1853.

AN ACT to create a school district therein named.

School district  
created.  
Territory.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That their shall be and is hereby created a school district in the county of Adams to be composed of the following tracts of land, namely: the south half of section thirty-six, in township one south, of range nine west; the east half of section one and the east half of section twelve in township two south, of range nine west; all of section thirty-one, and the west half of section thirty-two, in township one south, range eight west; also all of section six in said township two south, eight west; and also the north-west quarter of section seven and the west half of section five in said township two south, eight west.

Request to be  
filed with clerk.

§ 2. The land of John Woods 2d, and N. Summers shall be included in said school district, upon their filing with the clerk of the county court of said Adams county a written request to that effect; upon doing which they shall be entitled to all the rights and privileges of other citizens of said district.

Name of district.

§ 3. Said district shall be called "Union school district," and shall have, enjoy, possess and exercise all the rights, powers, privileges, advantages and immunities of other school districts, shall be entitled to its equal and joint proportion of the school funds, and shall be organized, regulated, controlled and governed by the laws of the state now in force, or that may be hereafter passed, and which may for the time being be in force.

APPROVED Feb. 8, 1853.



AN ACT to legalize the acts of certain school directors therein named. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the acts of William Woolsey, William P. Roff and Frederick R. Dutcher, as directors of school district No. 4, in township No. 20 north, range ten east, in the county of Lee, are hereby legalized; that the tax voted to be raised by the legal voters of said district No. 4, be and the same is hereby made a legal tax. Acts legalized.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT authorizing a state road to be laid out, connecting Taylorville, in Christian county, and Springfield, in Sangamon county. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Squire Baker, of Sangamon county, and Eli Matthews, together with William M. Thomas, of Christian county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the northwest corner of the public square of Taylorville, in Christian county, and run westwardly to the southeast corner of the public square of Springfield, in Sangamon county, having due regard to private property. Commissioners.

§ 2. That said commissioners shall meet on or before the first day of May next, in the year of our Lord one thousand eight hundred and fifty-three, or as soon thereafter as possible, at the town of Taylorville, and take an oath before an acting justice of the peace of Christian county to perform the duties required of them by this law. To meet.  
Take oath.

§ 3. When said commissioners shall have viewed the said ground, and shall have established the said road, it shall be their duty to make two plats of the same, one for the county of Christian and one for the county of Sangamon, and lay said plats before the county courts of the aforesaid counties, as soon as practicable after the completion of said plats. Make plats.

§ 4. That said plats shall be evidence hereafter in all courts of record in this state, and it [shall] be the duty of the county courts to record the said plats in the books of their respective offices. Plats to be evidence.

§ 5. The compensation to each person employed in locating and establishing said road shall be one dollar and fifty cents for each day necessarily employed, exclusive of Compensation.

expenses for provisions, forage for horses, &c., except the surveyor, who shall have two dollars per day for each day so employed.

Expenses to be paid by counties. § 6. The expenses incurred in establishing said road shall be allowed and paid by each county, upon the filing of the plat as aforesaid, through which said road is located, in proportion to the distance or length of said road in said counties; the same to be made out by said commissioners or any two of them.

§ 7. This act to be in force from and after its passage.  
APPROVED February 12, 1853.

In force Feb. 10, 1853. AN ACT to authorize the city of Nauvoo to borrow money, and for other purposes.

Acts legalized. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all acts and deeds of the city of Nauvoo, in the county of Hancock, and state of Illinois, done and performed by virtue of an organization under an act entitled "An act to incorporate towns and cities," approved February 10th, 1849, be and the same are hereby confirmed and legalized, and the inhabitants of the said city, within such limits as are now established by ordinance thereof, are hereby declared a body politic and corporate, by the name and style of "The City of Nauvoo," and vested with all the powers and privileges granted to the city of Quincy by an act of incorporation approved February 3d, 1840, and the several laws amendatory thereof.

Powers, &c. § 2. The corporate authorities of said city, whenever a majority of the legal voters thereof shall, at any election held for that purpose, so decide, may subscribe to the stock of any railroad or plank road, situate or lying wholly or partly within the limits of said county of Hancock, in any sum or sums not exceeding fifty thousand dollars in the aggregate, and may borrow money and issue their bonds therefor: *Provided*, that no sum shall be borrowed at a higher rate of interest than ten per cent. per annum, nor for a longer term than twenty years: *Provided*, that nothing in this charter shall be construed to the granting of any power by said corporation to sell any intoxicating liquors within the corporate limits of said city or town, contrary to the present laws of this state.

Vote to subscribe stock in rail or plank roads. § 3. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 10, 1853.

Proviso.

## AN ACT to authorize the city of Rockford to borrow money.

In force Feb. 3,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city council of the city of Rockford be and hereby is empowered and authorized, on the faith and pledge of said city, to borrow a sum of money not exceeding fifteen thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for a term not exceeding twenty years, and to issue the bonds of said city therefor, under the seal of said city, signed by its clerk and countersigned by the mayor thereof.

§ 2. The city council of said city is hereby authorized and empowered, for the purpose of borrowing money as aforesaid, to issue the bonds of said city, executed as aforesaid, in sums not exceeding one thousand dollars each, bearing interest not exceeding ten per cent. per annum, payable annually; said bonds to be payable within twenty years from the issue, or as much sooner as the said city council may judge proper, and to sell such bonds for the best price they may be able to obtain for the same, and in the manner they may judge most for the interest of said city.

§ 3. The said city council shall apply the money obtained under and by virtue of the provisions of this act, in the building and construction of a public bridge across Rock river, in said city, at or near where the bridge in said city, across said river, now stands; and said money so borrowed shall be repaid by the said city by taxes to be levied upon the taxable property of said city. Council of said city to provide by ordinance for the repayment of said money so to be borrowed as aforesaid, by the time and in the manner such money may, by the terms of the bonds issued therefor, fall due.

§ 4. The said city council is hereby authorized and empowered, within the limits of twenty years as aforesaid, to issue the bonds of the said city, payable at different times, in such manner as they may, in their discretion, judge best for the city, and as will make the sum borrowed most convenient of payment out of the taxes of said city.

§ 5. The city council of said city shall have power and shall cause to be levied, raised and collected annually, a special tax upon all taxable property, both real and personal, within the city, of sufficient amount to pay the interest on any and all city bonds issued under the provisions of this act, as the same shall become due and payable by the terms of said bonds; and the money so to be raised shall be set apart for the purpose of paying the interest of said bonds as the same shall become due and payable; and in case a surplus of the moneys so raised remaining in any

Borrow money.

Issue bonds.

Rate of interest.

Application of money.

Taxes.

Issue bonds.

Taxes to be levied and collected.

To pay interest.

Surplus.

year after paying the interest as aforesaid, the same shall remain a fund, under the control of the city council, and be applied to the payment of the interest accruing on said bonds in the next succeeding year. And the aforesaid tax shall be levied, raised and collected in each and every year as aforesaid, after the issuing of the city bonds authorized by the provisions of this act, until the principal and interest of said bonds shall be fully paid and satisfied, and the aforesaid tax shall be levied, raised and collected in the same manner as taxes for ordinary city purposes.

Tax to be levied  
and collected an-  
nually.

Act repealed.

§ 6. That the act entitled "An act to authorize the city of Rockford to borrow money," approved June 18, 1852, be and the same is hereby repealed.

§ 7. That this act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 3, 1853.

In force Feb. 9, AN ACT to authorize the common council of the city of Galena to borrow money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the common council of the city of Galena are hereby authorized and empowered to make and issue the bonds of said city for a sum not exceeding one hundred thousand dollars; said bonds to bear interest at the rate of eight per cent. per annum, and shall be payable at ten or twenty years from the date thereof, as the said common council may provide; and which said bonds are to be used in the construction of the Galena and Southern Wisconsin Railroad.

Town bonds.

Rate of interest.

Application of  
funds.

Taxes.

§ 2. The said common council are hereby authorized and empowered to levy an annual tax upon the real and personal property in said city, sufficient to pay the annual interest which may accrue upon the said bonds issued in the manner and for the purposes aforesaid.

Transfer of stock.

§ 3. The said common council are hereby authorized and empowered to take, hold, purchase and transfer stock in the Galena and Southern Wisconsin Railroad Company to an amount not exceeding one hundred thousand dollars.

APPROVED Feb. 9th, 1853.

AN ACT to authorize the city of Peoria to borrow money.

In force Feb. 10,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city of Peoria, in its corporate capacity, be and the same is hereby authorized and empowered to subscribe for or purchase stock in any railroad company already organized or incorporated, or that may hereafter be organized or incorporated under any laws of this state, in any sum not exceeding three hundred thousand dollars: *Provided, however,* that the amount of stock heretofore subscribed for by said city of Peoria in the Peoria and Oquawka Railroad Company shall be a part of said three hundred thousand dollars: *And provided, also,* no such subscription to the capital stock of any railroad shall be made by said city unless the same shall be submitted to a vote of the legal voters of said city at some general or special election, and a majority of all the votes cast at such election shall be in favor of said subscription. Said election shall be conducted and notice thereof given in the same manner as is provided in other elections in said city.

Power to purchase or subscribe stock.

Proviso.

Legal voters.

§ 2. That for the payment of said stock the city council of said city of Peoria are hereby authorized to borrow money, at a rate not exceeding ten per cent. per annum, and to pledge the faith of said city for the annual payment of the interest and the ultimate redemption of the principal. And if said city council shall deem it most advisable, they are hereby authorized to pay for such subscription, or purchase of said stock, in the bonds of said city, to be drawn for that purpose, in sums not less than five hundred dollars, and bearing interest not exceeding ten per cent. per annum; which said bonds shall be signed by the mayor and countersigned by the clerk of said city, and have attached the seal of said city: *Provided,* that no bond shall be paid out by said city at a rate less than par; and said stock, so subscribed for or purchased by the said city, shall be under the control of the city council of said city, in all respects as stock owned by individuals.

Borrow money.

Rate of interest.

Pledge the faith of city for interest.

Rate of interest.

Proviso.

§ 2. This act to be in force from and after its passage.

APPROVED February 3, 1853.

AN ACT to authorize the town of Rockton to borrow money.

In force Feb. 10,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of auditors of the town of Rockton, be and they are hereby authorized, on the faith and pledge of said town, to

Borrow money.  
Amount.



borrow a sum of money not exceeding ten thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for a term not exceeding twenty years, and to issue the bonds of said town therefor, signed by the clerk, and countersigned by the supervisor of said town.

Issue bonds.

Rate of interest.

§ 2. The board of auditors of said town are hereby authorized, for the purpose of borrowing money, to issue the bonds of said town, in such sums and at such rate of interest, not exceeding ten per cent. per annum, as they shall deem the interest of the town requires—said bonds to be made payable at any time within twenty years after the issue thereof—and to sell such bonds for the best price they may be able to obtain for the same, and in the manner they may judge most for the interest of said town.

Application of money.

§ 3. The board of auditors shall apply the money by them obtained under and by virtue of this act, in the building and construction of public bridges across [the] river in said town, at such place or places as the highway commissioners of said town shall determine; and said money so borrowed shall be repaid by the said town by taxes, to be levied on the taxable property of said town; and said board of auditors are hereby authorized and it shall be their duty to levy such rate of taxation on the taxable property of said town as will secure the annual payment of the interest and the final redemption of the bonds, at such times as they respectively become due; which tax shall be collected at the same time and in the same manner that the state and county taxes are collected.

Taxes.

Taxes to be collected.

To be voted upon.

§ 4. No bond shall be issued or money borrowed under the provisions of this act, unless a majority of the qualified voters of said town shall vote for the same at some town meeting held in said town. And the clerk, in giving notice of such town meeting, shall set forth that a vote will be taken on the provisions of this act.

§ 5. This act shall be in force from and after its passage.

APPROVED February 10, 1853.

On Feb. 12, AN ACT to enable a school district therein named to borrow money to build a school house, and for other purposes.

Borrow money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the school directors in school district number one, township forty-one north, of range five, east of the third principal meridian, in De Kalb county, and state of Illinois, are here-*

by authorized and empowered to borrow money upon the faith and credit of said district, for the purpose of purchasing and improving a site for a school house in said district, and of erecting and finishing a school house thereon, and of furnishing the same; which said loan, and the interest accruing thereon, shall be paid in one, two, three, four or five years, by annual tax levied upon the real and personal estate in said district, and collected in the manner prescribed by law: *Provided*, the sum of money loaned shall not exceed the sum of three thousand dollars, and that the same shall be loaned at a rate not exceeding ten per cent. per annum: *And provided also*, the sum necessary to be borrowed or loaned by said directors, and the rate per cent. of interest to be paid thereon, and the number of years in which the same shall be paid by an annual tax, and the amount to be paid each year, shall be determined by the inhabitants, legal voters of said district, when convened in the manner now prescribed by law, in the 82d section of an act entitled "An act to establish and maintain common schools," in force April 13, 1849.

Objects.

Taxes.

Amount.

Rate of interest.

Legal voters.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to establish a state road from the town of Walnut Hill, in Marion county, to the town of Pinckneyville, in Perry county. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That Matthew Cunningham, of Marion county, David Roper, of Jefferson county, Thomas M. McCracken, of Washington county, and James Weeks, of Perry county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Walnut Hill, in Marion county, and run thence, on the most eligible route, to the town of Richmond, in Washington county, and thence, on such route as shall be selected by said commissioners, to the town of Pinckneyville, in the county of Perry.

Commissioners.

§ 2. Said commissioners, or a majority of them, shall meet at Walnut Hill, on the first Monday in May next, or as soon thereafter as may be practicable, and after being duly sworn by some justice of the peace of the state faithfully to perform the duties of this act, shall proceed to lay out said road as provided in the preceding section, and shall designate the route of said road by placing stakes in the prairie and blazes on the trees in the timber. The said

Too meet.

Take oath.

commissioners shall, as soon as the road is laid out, make and file a report and plat of said road, showing the course and distance from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the offices of the clerks of the county courts of said counties of Marion, Jefferson, Washington and Perry.

§ 3. The said commissioners shall make out and present to the county courts through which said road may pass, a certified copy of the time and number of hands necessarily employed in each county, and thereupon it shall be the duty of said court to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, and to each hand one dollar, and to the surveyor two dollars per day for every day necessarily employed in locating said road through their respective counties.

§ 4. When said plats shall be so recorded as aforesaid they shall be evidence in any of the courts of this state of the establishment of said road.

§ 5. This act to take effect from and after its passage.  
APPROVED February 10, 1853.

Feb. 11, 1853. AN ACT to establish a state road from Peoria, in Peoria county, to Rock Island, in Rock Island county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Smith Fry, Stephen Palmer and Barney Jackson be and are hereby appointed commissioners to review and locate a state road, commencing at the city of Peoria, in Peoria county, running from thence, and upon the most practicable route, to the town of Princeville, in said county; thence northwesterly to the town of Lafayette, Stark county; thence, continuing a northwestern direction, to Bishop Hill, in Henry county; thence to Cambridge, in said county; from thence to the town of Rock Island, in Rock Island county.

§ 2. It shall be the duty of said commissioners, or any two of them, to proceed to Peoria, in Peoria county, on or before the first day of June next, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace, or clerk of the said county, to review, mark and locate a road as above designated.

§ 3. When the said commissioners shall have laid out said road, they shall make out and deliver to the clerks of the counties through which said road shall pass, a copy or plat of said road, which plat shall, by said clerks, be entered of record in their several offices, and the said entries

shall be evidence in all courts of this state of the existence of said road. To be evidence.

§ 4. The compensation to each person employed in locating and establishing said road, shall be one dollar and fifty cents for each day necessarily employed, exclusive of forage for their horses, except the surveyor, who shall have two dollars per day for each day so employed. Compensation.

§ 5. The commissioners shall, as they review, appraise the damages to each tract of land through which said road passes, or they shall take a release from the owner or authorized agents of such tracts as they may release the right to damages, in assessing damages. The commissioners shall take into account the advantages as well as the disadvantages said road may be to the owner of any land through which said road may pass. Damages.

§ 6. The counties through which said road may pass shall pay the damages as assessed by the commissioners, unless either party takes an appeal to the circuit court; in which case, the county shall wait until said circuit court may have determined the same. The county shall then pay the damages as determined by the said court; the party being in default shall pay all legal costs in the case. All appeals taken shall be taken as is now provided by law for taking appeals on laying out roads or appraising damages. Counties to pay damages.

§ 7. Whenever said road shall have been laid out, and returns made as provided by this act, it shall then be opened and worked as is now provided by law for opening and working public roads. Appeals.

§ 8. This act to be in force from and after its passage. To be opened.

APPROVED February 11, 1853.

AN ACT to lay out a state road across the bottoms of the Illinois river and in force Feb. 10, 1853.  
Crooked creek, and for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Leonidas Horney, Enoch Edmonston and F. R. Dalton are hereby appointed commissioners to locate a road from the road on sec. 32, town. 1 N., 1 W., Schuyler county, across the bottom to the Illinois river, at or near the mouth of Crooked creek. Said commissioners, or any two of them, on being sworn to discharge their duties by this act, shall locate said road from the road passing down the bluff on the S. W. qr. of sec. 32 aforesaid, southeasterly, to the northwest corner of the northeast quarter of sec. 5, 1 S., 1 W., in said county; thence south across the centre of said Commissioners.

To be sworn.

To file plats and  
report.

Compensation.

Powers.

To keep ferry.

County court.

section No. 5; thence southeasterly to the centre of the west line of the southwest quarter of sec. 9; thence southeasterly to the Illinois river; and on the location thereof make plats and report of said road, and file the same with the clerk of the county courts in which such road passes. Said commissioners to be paid respectively two dollars per day for the time employed in locating and reporting said road, from the county treasury. Said road being located and reported as aforesaid, the same is declared to be a public highway, of four rods wide over lands not mounded, and seven rods wide where liable to overflow.

§ 2. That when said road is so located and reported, Elias Briggs, of this state, his heirs, assigns or associates, shall and may construct and maintain a dike or plank road upon the same, and when formed or completed shall be allowed to demand and receive such toll thereon as the county court shall from time to time allow and establish.

§ 3. That the said Elias Briggs, his heirs, assigns or associates, are authorized to establish and maintain a ferry or ferries across Crooked creek and the Illinois river, at or near the junction on said road, or at its termination, and shall pay such tax on said ferries as shall be fixed by the county courts of Schuyler, Brown and Cass, and shall be allowed to demand and receive such ferriage thereon as said county courts shall respectively allow.

§ 4. Sec. 3, 8 and 9, of chapter 42, of the Revised Statutes are made a part of this act. This act to take effect from and after its passage.

APPROVED February 10, 1853.

In force Feb. 12,  
1853.

AN ACT to lay out and establish a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That Norman Comstock and William Lemon, of the county of Jasper, Elias Pomeroy, of the county of White, John Bailey, of the county of Gallatin, George Myers, of the county of Champaign, James Gill, of the county of Cumberland, and William D. Latshaw, of the county of Coles, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Shawneetown, in Gallatin county, and run thence, on the most eligible route, to the town of Carmi, in White county; thence, on the most feasible route, to St. Mary's, in Jasper county; thence to the town of Granville, in said Jasper county; thence, on the most direct route, to the town of



Charleston, in Coles county; thence, on the best route, to the town of Urbana, in Champaign county.

§ 2. Said commissioners, or a majority of them, shall To meet. meet at the town of Granville, in said Jasper county, on or before the first day of September, A. D. 1853, or as soon thereafter as practicable, and take an oath before a justice of the peace to perform the duties prescribed in the first Take oath. section of this act, [and] they shall proceed to lay out and establish said road as provided for in this act.

§ 3. Said commissioners, or a majority of them, shall, as To file plats and report. soon as said road is located, make out and file a report and plat of said road, showing the courses and distances from point to point; which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county court of the several counties through which said road may pass; and it shall be the duty of said counties, through their several county courts, to make compensation for the services severally due Compensation. to the commissioners and hands necessarily employed in each county—allowing to each commissioner the sum of two dollars per day, and to each hand one dollar per day, and to the surveyors two dollars per day for every day necessarily employed in locating said road through their respective counties.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

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AN ACT to create a state road in Du Page, Cook and Lake counties. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Hiram S. Hills and Sherman P. Sedgwick, of Du Page county, and Morgan S. Johnson, of Cook county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at or near the house now owned and occupied of Stephen Brownson, in the town of Lisle, county of Du Page, and state of Illinois, and thence, in a northeasterly direction, on the nearest and best route, to a point where the road leading from Naperville to Danby crosses the north and south centre line of section fifteen or twenty-two of the town of Milton; thence northerly, on or near the half section lines of sections fifteen, ten and three of the township of Milton, and sections thirty-four, twenty-seven, twenty-two, fifteen, ten and three of the township of Bloomingdale, to the north line of Du Page county; thence northerly, on or near the half section

lines of sections thirty-four, twenty-seven, twenty-two, fifteen, ten and three of the township of Shaumberg; thence northerly on or near the centre lines of the west half sections thirty-three, twenty-eight, twenty-one, sixteen, nine and four, of the township of Palatine, to the north line of Cook county.

To meet.

§ 2. Said commissioners shall meet on or before the first day of June, one thousand eight hundred and fifty-three, at the house of Sherman P. Sedgwick, in the county of Du Page, or as soon thereafter as may be practicable, and take an oath to perform the duties required of them by this law, and shall proceed to locate said road, and complete the same on or before the first day of August next ensuing.

Take oath.

Employ surveyor

§ 3. Said commissioners shall have power to employ a surveyor and such other persons as may be necessary in the survey and location of said road, and the compensation allowed shall be as follows: To each commissioner, one dollar and fifty cents per day; to the surveyor, two dollars per day, and to other persons not to exceed one dollar each per day, exclusive of incidental expenses. They shall keep an accurate account of the time employed and expenses incurred, the persons to whom due, and certify the same to the board of supervisors of each county through which said road shall pass, who shall allow and pay the amount due, in proportion to the distance or length of such road in each county, as certified by said commissioners.

Occupant's.

To file plat.

§ 4. The said commissioners shall return a plat, with the courses and distances thereof, to the clerk of the board of supervisors of each county through which said road shall pass, giving an entire view of the location of said road, which shall be filed and recorded, which record shall be evidence in any court of this state of the location of said road.

To file map.

§ 5. The board of supervisors of each county through which said road may have been located, shall, at the first session of said board held after the location as aforesaid, notify the overseers of highways in the districts through which said road is laid out, of the location aforesaid, and said board shall cause the same to be opened immediately to the width of four rods, and kept in good repair.

To notify owners of lands.

§ 6. The said commissioners shall notify the owner or occupant of any enclosed lands through which said road may be located, at the time of said location, and if the said owner or occupant shall not, at the time said notice is given, object in writing, and serve it upon said commissioners, such owner or occupant shall forever be debarred from obtaining damages for the same. If the owner or occupant object thereto, and cannot agree with the commissioners on the amount of damages which the said owner or occu-

pant sustain, it shall be lawful for the said commissioners to assess the same in the manner following, to wit: To proceed to assess the damages at what they may deem just and right to each individual claimant with whom they cannot agree, taking into account the advantages and benefits the location of said road will confer, as well the disadvantages. Any person or persons feeling themselves aggrieved by such assessments, may, within twenty days from the time of said assessment, appeal to the county court of said county in which said land may lie, which decision shall be final; and all damages so assessed by the commissioners or adjudicated by the court, shall be paid by the board of supervisors, out of the treasury of the county; and all damages assessed by said commissioners shall be by them certified to the clerk of the board of supervisors of the proper county, unless appealed from, as above provided, and if appealed from, then the clerk of the county court shall certify to the board of supervisors, as aforesaid, the amount of damages so adjudicated.

§ 7. Either of the two above named commissioners shall constitute a board of reviewers, and they may view and locate the above named road, and the concurrent acts of any two of them shall be held to be in full compliance with this act.

APPROVED February 12, 1853.

AN ACT to lay out and construct a state road in Cook county.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Robert S. Wilson, O. J. Rose, John Waughop, Henry Myers and Thomas Brosnahan be and they are hereby appointed commissioners to locate and survey a road, to run from a point on the South Plank Road, commencing on the state road laid out between section thirty-four and section thirty-three, running from said plank road where said sections reach the same on the northwest corner of said section thirty-four, running thence along sections three and four, two and eleven, to the Lake Shore road to the Calumet from Chicago, and from said Chicago and Indiana or Calumet state road, at a point on the same between section two and three, to the county road laid out between the Chicago and Vincennes state road and said Chicago and Calumet or Chicago and Indiana state road; and that upon survey and*

viewing of said road that the commissioners of townships in which said road is laid out be and are hereby required to work the same according to law.

Said act to take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12,  
1863.

AN ACT to provide for reducing the state debt.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any unappropriated and surplus funds in the treasury, or which may hereafter be received from any sources of revenue, or from the sale of state lands or other property, shall be applied and used in the purchase of the indebtedness of the state bearing interest, except such indebtedness as may not have been fully recognized by the laws of the state, in the manner and upon the terms herein provided.

Auditor to issue  
warrants.

§ 2. Upon the requisitions of the governor, the auditor shall from time to time issue warrants upon the treasury for sums not exceeding thirty thousand dollars, of the funds referred to in the foregoing section, to be used in the purchase of state indebtedness of the description aforesaid; and the governor is hereby vested with power to use and apply the funds aforesaid in the purchase of state indebtedness, of the description aforesaid, at the lowest price or least sum for which the same can be obtained, and he is also vested with power to use all lawful ways and means in the executing the provisions of this act.

Governor to purchase indebtedness.

Governor to file  
duplicates with  
the auditor.

§ 3. Upon the investment of such sum of thirty thousand dollars, received as aforesaid, the governor shall make out duplicate statements of the indebtedness purchased, setting forth the proper description of such indebtedness, the name of the person from whom it was purchased, and the amount paid for each bond or certificate, and the total amount invested; one of which statements shall be filed with the state treasurer, and the other with the auditor of public accounts.

Indebtedness to  
be cancelled.

§ 4. The said indebtedness so purchased shall be cancelled by the governor and delivered to the auditor at the time of filing the statement aforesaid; and the auditor shall indorse on the face of each bond or certificate the words "paid out of the surplus revenue," and sign his name thereto; and said indebtedness shall then be registered by him in a proper book kept for that purpose, and then filed with the treasurer, who shall enter the proper credit, with the cost thereof: *Provided*, that in no case after the issu-

proviso.

ing of the warrants for the first thirty thousand dollars, as provided for by this act, shall the auditor issue warrants for any additional sum until the requirements of this section are fully complied with, to the end that a greater sum than thirty thousand dollars shall at no one time be paid out and remain unaccounted for.

This act shall take effect from and after its approval by the governor.

APPROVED February 12, 1853.

AN ACT to amend the act entitled "An act to amend the law condemning In force Feb. 12, the right of way for purposes of internal improvement," approved June 1853.  
22, 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That when any canal, railroad, turnpike road, or other work of internal improvement, authorized to be constructed by any law of this state, with power, by law, to condemn land for road-way or other purposes connected with such work of internal improvement, shall in its route pass over or be located upon section sixteen (16,) in any township not organized, such company shall have power to condemn so much of said section for the purposes set forth in their petition, whether for road-way, track, depots, stations, or other purpose as may be necessary, not exceeding for road-way and track two hundred feet in width, and for depots, stations, &c., not exceeding ten acres; and notice of the application for the appointment of commissioners to fix compensation and assess damages, shall be sufficient if served upon the school commissioner of the county in which such section is situated, in the manner prescribed by the act to which this is an amendment; and the damages assessed or compensation allowed shall be paid into the school fund of the proper county, for the use of the inhabitants of the township in which such sixteenth section may be situated, and to be paid over to the treasurer of the same, when such township may be organized.

This act to be in force and take effect from and after its passage.

APPROVED February 12, 1853.



In force Feb. 12,  
1853.

AN ACT to create the town of Gold, in the county of Bureau.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That the town of Gold, in the county of Bureau, heretofore attached to and forming a part of the town of Fairfield, in said county, is hereby constituted a town, with all the privileges and powers of other towns in said county.

§ 2. This act to be in force and effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to amend an act to provide for the construction of plank roads by general laws and the several laws amendatory thereof.

Forfeited amount of stock, on failure to pay assessments.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That all stockholders of plank road companies, formed under the acts to which this is an amendment, shall be liable to pay all calls or assessments made upon them until their whole capital stock is paid, upon notice being given as required by said act, and that upon default in the payment of such calls, the directors are authorized to sue for and collect, in the name of such company, of such stockholders, the amount of such calls, or to cause the said stock of such stockholders to be forfeited, under the provisions of said act, as they may in their judgment elect.

Right of way.

§ 2. Companies formed under the acts to which this is an amendment may proceed to obtain the right of way for their said road under an act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," passed June 22, 1852, and to appraise the damages occasioned thereby, under the provisions of the said act. The directors of such roads, also, in their discretion, shall have the power to increase the capital stock of such company from time to time, as they may judge necessary.

§ 3. This act shall take effect from and after its passage.

APPROVED February 12, 1853.

AN ACT to amend chapter 30 of the Revised Statutes, entitled "Bigamy." In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in trials for bigamy the proof of the fact of either marriage shall not be otherwise made than by the legitimate record evidence of such marriage, and the parol testimony of a person or persons who were present at the celebration of such marriage, anything in the 121 section of chapter 30 of the Revised Statutes to the contrary notwithstanding: *Provided,* that this act shall not be so construed as to exclude the necessary parol proof to identify the person of the accused with the record evidence in any case.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1853.

AN ACT to remedy a defect in the laws in relation to elections in the towns of North Chicago, South Chicago, and West Chicago. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That each and every ward of the city of Chicago shall constitute an election precinct, and the judges of election, and the places of holding elections therein, for state and county officers, shall be appointed by the common council of said city, in the same manner that inspectors and judges of city elections are appointed; and so much and such parts of the respective towns of North Chicago, West Chicago and South Chicago as are not included in any ward of said city, if any, shall respectively constitute election precincts, to be styled respectively North Chicago precinct, South Chicago precinct and West Chicago precinct, and the judges of elections, and respective places of holding elections therein, shall be appointed by the board of supervisors of Cook county: *Provided,* that there shall be but one place of holding elections in each of said precincts. All elections for state and county officers in said wards and precincts shall be conducted, and returns thereof made to the county clerk, as provided by the law regulating state and county elections.

This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to define the boundaries of the town of Rockton, in the county of Winnebago.

Boundary.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the west half of section five, and that part of section 6, 7, 18, 19 and 30, lying east of Rock river, in town forty-six north, range two, east of the third principal meridian, are hereby attached to and shall form a part of the town of Rockton.

§ 2. This act shall take effect from and after the first day of March next.

APPROVED February 11, 1853.

In force Feb. 11, 1853.

AN ACT to organize the town of Victor, in the county of De Kalb.

Boundary.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of the county of De Kalb known as township thirty-seven, range four east, in the county aforesaid, be and the same is hereby declared a separate and distinct township, to be designated and known by the name and style of the town of Victor.

Rights, privileges &c.

§ 2. That the said town of Victor shall be entitled to all the rights, privileges and immunities, and exercise all the powers, and be subject to the same restrictions, that attach to other townships organized in said county, under the act providing for township organization.

County clerk to give notice.

§ 3. The county clerk of said county of De Kalb shall give notice to the inhabitants of the said town of Victor, by giving into the hands of the sheriff of said county three written or printed notices, to be posted up in three public places in said town of Victor by said sheriff, at least fifteen days previous to the first Tuesday in April next, designating the time and place for holding the first town meeting in said town.

Duty of county clerk.

§ 4. It shall be the duty of the clerk of the county court of said county, to register the name and boundaries of said town of Victor in the records provided for that purpose.

Part of the town of Amboy set off.

§ 5. *And be it further enacted,* That section one, and the north half of section twelve, in the town of Amboy, in Lee county, be and the same is hereby set off to and shall compose a part of Lee Centre Town, in said county.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1853.

## AN ACT to relocate a state road in Kendall county.

In force Feb. 10,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Robinson Doty, John W. Chapman and Jeremiah J. Cole, of Commissioners. Kendall county, be appointed commissioners to make and relocate the state road from Oswego, in said county, by the bridge at Morris Hadden's, to Little Rock, in said county, the same width as the other, seeking the most eligible land and route for said road.

§ 2. The said commissioners shall, or a majority of <sup>To meet.</sup> them, meet at Oswego, on the first Monday of April, 1853, and take an oath before some justice of the peace to ob- <sup>Take oath.</sup> serve the public good in the relocation of said road, and shall then, or soon thereafter, proceed to relocate said road in six months; and when done they shall receive their pay, not exceeding \$1 50 per day, out of the county treasury. <sup>Compensation.</sup> And when said road is relocated the overseers over which the road runs shall in sixty days thereafter open said road and work it the same as all others are worked.

§ 3. The said commissioners shall, on the application of <sup>Assess damages.</sup> any one feeling himself aggrieved by such relocation, assess the damages, if any; and such damages shall be paid on the certificate of said commissioners, or a majority of them, out of the county treasury; but if any person shall feel <sup>County treasury.</sup> himself aggrieved or damaged by such assessment, he may, on filing his request with the clerk of the circuit court, have an appeal to said court; and upon filing such notice with <sup>Duty of clerk.</sup> the clerk he shall issue a notice to one of said commissioners of such appeal, who may appear and contest the amount <sup>Appeal.</sup> of damages before said court, by a jury or otherwise: *Provided,* if such appellant shall not increase the damages the <sup>Provide.</sup> court shall give judgment against him for all the cost: *And provided further,* such judgment in said court shall be <sup>Further provide.</sup> final.

§ 4. In case the damages assessed shall be increased in <sup>Judgment.</sup> the circuit court, the court shall give judgment accordingly against the county, to be paid out of the county treasury.

§ 5. When an appeal is taken, as by this act, the clerk <sup>Clerk of circuit court.</sup> shall docket the cause in the name of the county and the party appealing, and shall issue his notice, which shall, in order to be tried, be served on one of the commissioners ten days before the sitting of the court: *Provided,* the <sup>Provide.</sup> county may have an appeal to said court, when the county judge shall believe the damages assessed too high; and it shall be tried as any other appeal.

§ 6. If one or more of said commissioners shall die or <sup>County judge.</sup> refuse to act, others shall be appointed by the county judge; or if they, or a majority of them, cannot meet on the first

Monday of April, 1853, they may meet on the second or third Monday of said month, and proceed to do the duties required by this act.

APPROVED February 10, 1853.

IN ACT to abolish the town of Trenton, in Will county, and to erect the towns of Manhattan and Green Garden.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the first day of April, 1853, the town of Trenton, in Will county, shall be and the same is hereby abolished; and all that part of said town now included in congressional township thirty-four (34) north, range eleven (11) east, be and the same is constituted and created a town, and named Manhattan; and all that part of said town of Trenton now included in congressional township thirty-four (34) north, range twelve (12) east, be and the same is hereby constituted and created a town, and named Green Garden, from and after the said first day of April, 1853.

§ 2. Each of said towns shall possess and enjoy all the rights, privileges and immunities belonging to other towns, and be subject to the same liabilities.

§ 3. The passage of this act shall in no wise effect the tenure or duration of any officer elected for said town of Trenton; but all such officers shall continue in office the same as if this act had not been passed, and shall exercise the duties of their said office in the town where, by this act, they may be located, for the time they were elected and qualified, and until their successors are elected and qualified.

§ 4. It shall be the duty of the town clerk of said town of Trenton to designate the place for holding the annual town meeting in April next, in each of said towns of Manhattan and Green Garden, and to post up written notices thereof in at least three public places in each of said congressional townships, on or before the fifteenth day of March next.

This act shall take effect on the first day of April next.  
APPROVED February 10, 1853.



AN ACT to relocate a portion of the state road leading from Peru to Galena. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Elijah Hank, Daniel Harley and Jacob Helsinger be and they are Commissioners. hereby appointed commissioners to relocate so much of the state road leading from Peru to Galena as lies between the west line of Ogle county and the north line of Carroll county, having due regard to private property.

§ 2. That said commissioners shall meet on or before To meet. the first day of June next after the passage of this bill, or as soon thereafter as possible, at the town of Mt. Carroll, and take an oath before some justice of the peace of said Take oath. Carroll county well and truly to perform the duties required of them by this act.

§ 3. When said commissioners shall have reviewed the To file plat. said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay said plat before the board of supervisors of said Carroll county, as soon as practicable after the completion of the same; and the road so relocated is hereby declared the state [road,] and so much of the old road affected by said relocation is hereby vacated.

§ That the board of supervisors of the county of Carroll Compensation. shall cause to be paid to said commissioners a reasonable compensation for their services in relocating said road, out of the county treasury of said county.

§ 5. The said plat shall be evidence hereafter in all the Plat evidence. courts of the state; and it shall be the duty of the clerk of the county court of said Carroll county to record said plat in the records of his office.

APPROVED February 10, 1853.

AN ACT to relocate a certain state road in the county of Iroquois. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Isaac Courtright, Sanford R. Clagett and Joseph Thomas be and Commissioners. they are hereby appointed commissioners to review and relocate so much of the Vincennes and Chicago state road as lies north of the Iroquois river and south of Beaver creek, in the county of Iroquois. Said commissioners, or two of them, shall, at any convenient time after the passage of this act, proceed to review, relocate and open said road, and cause a plat of the same to be made and recorded in Plat to be filed. the county clerk's office of the county of Iroquois; after

Expenses.

which said road shall be deemed a public highway as other state roads—the county to pay the expense of said relocation. And said commissioners are hereby authorized to relocate so much of a certain state road as lies south of the Iroquois river, that commences at the state line between Illinois and Indiana, and running northwest to Joliet and Galena, and report the same as in the above recited act.

APPROVED February 12, 1853.

In force Feb. 10,  
1852.

AN ACT to relocate a portion of a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That Richard H. Nelson, William H. Graves, and Hardin H. Elmore be and they are hereby appointed commissioners to relocate so much of the state road leading from Jacksonville, in Morgan county, to Vandalia, in Fayette county, as lies between the town of Waverley, in Morgan county, and the Macoupin county line; said relocation to be made as follows, to wit: Beginning at the town of Waverley, thence, running the nearest and best route, to the northeast corner of the west half of the northeast quarter of section thirteen (13,) in township thirteen (13) north, of range eight west of the third principal meridian; thence north one-half mile, thence east one-half mile, thence south one-half mile, thence east, across three eighty acre tracts of land and one-half of an eighty acre tract, and south one mile, and thence, on the most eligible route, to the Macoupin county line, at or near the Elm Grove.

To meet.

§ 2. That said commissioners, or a majority of them, shall meet on before the first day of June next after the passage of this bill, or as soon thereafter as possible, at the town of Waverley, Morgan county, Illinois, and take an oath before some justice of the peace of Morgan county, well and truly to perform the duties required of them by this act, and thereupon proceed so to do.

Take oath.

To file plat.

§ 3. When said commissioners shall have reviewed the said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay one of them before the county courts of Morgan and Sangamon counties respectively, as soon as practicable, and the road so relocated is hereby declared the state road, and so much of the old road affected by said relocation is hereby vacated.

To be evidence.

§ 4. That said plat, or a certified copy thereof, shall be evidence hereafter in all courts in this state; and it shall

be the duty of the county courts of Morgan and Sangamon counties to record said plats in their records respectively.

§ 5. That after said plats shall be laid before the said county courts of Morgan and Sangamon counties, the said road, as so relocated, shall be opened and kept in repair as other public roads.

§ 6. That the counties of Morgan and Sangamon shall pay the expenses incident to the relocation of said road, in proportion to the length of line of relocation of said road in said counties respectively.

§ 7. That this act shall take effect from and after its passage.

APPROVED February 10, 1853.

AN ACT to relocate a part of a state road therein named.

In force Feb. 14,  
1853

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Hatten, George Lanberger and Jedediah Woolley, 2d, Commissioners, be and they are hereby appointed commissioners to review and relocate so much of the state road leading from the state line, between the state of Illinois and Indiana, to Montgomery, Wilmington, Joliet, Geneva, Sycamore, Galt's Mills, Winnebago, and thence to the north boundary of the state, in the direction of Mineral Point, that lies between Prairie creek, in township No. thirty-three north, range nine, east of the third principal meridian, and the corners of township No. thirty-three and thirty-four, of ranges nine and ten east, in Will county.

§ 2. Said commissioners, or two of them, shall meet at <sup>To meet.</sup> Michael Rogers', at Reed's Grove, in Will county, at any time before the first day of April next, and proceed to review, relocate and open said road, and cause a plat of the same <sup>To file plat.</sup> to be made and recorded in the county clerk's office of Will county; after which said road shall be deemed and used as a public highway the same as other state roads.

§ 3. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 14, 1853.

In force Feb. 10, 1853. AN ACT to prevent swine and sheep from running at large in Iroquois county, and for establishing and maintaining pounds in said county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall not be lawful for the owner or owners of any swine or sheep to suffer the same to run at large in said county: *Provided,* a majority of all the legal voters, voting for or against, at any general election in said county, shall vote against such swine or sheep running at large, and the legal voters of said county are hereby authorized to vote upon said question at any general election hereafter to be holden in said county.

§ 2. If any swine or sheep shall be found running at large without being in custody or care of the owner or owners, their agents or servants, at any time after a majority of the legal voters, as aforesaid, shall have voted against the same, according to the provisions of the foregoing section, the owner or owners shall be liable to any fine or charges imposed by this act.

§ 3. There shall be elected in each precinct of said county, by the legal voters thereof, in the same manner and at the same time that justices of the peace are elected, and who shall hold their office for the same term of years as justice of the peace, a pound master for each of said precincts, whose duty it shall be to enforce the provisions of this act by taking up and receiving from others all swine or sheep found running at large contrary to the provisions of the foregoing act, in each precinct, and place the same in a public pound, and safely keep the same, furnishing such swine and sheep with suitable food and drink until the owner or owners may apply for the same, or until they are otherwise disposed of according to the provisions of this act. On application of the owner or owners of any such swine or sheep, the said pound master shall deliver up the same: *Provided,* the owner or owners shall first pay said pound master his legal charges for the taking up, receiving and keeping the same, according to the provisions of this act. Said pound master shall be entitled to receive one dollar on each lot of swine or sheep that he may receive into said pound, and ten cents a day for keeping each swine, and five cents a day for each sheep, so long as they remain in said pound, and the owner shall not be entitled to receive the same until he shall first pay said charges, together with twenty-five cents for the benefit of the taker up, all of which shall be paid into the hands of the pound master.

§ 4. It shall be the duty of every such pound master to post up three descriptive notices of every such animal so impounded, in three of the most public places in such pre-

cinet, within twenty-four hours after the same shall have been impounded, and shall state in said notice that if such animal or animals shall not be claimed within ten days and taken away, the same will be sold by him at public auction to pay legal charges, at which time said pound master is authorized to sell the same according to such notice, and after paying all charges given by this act out of the proceeds of such sale, he shall refund the overplus, if any, to the owner or owners of any such animal so sold, if called for within one year, if not at the expiration of that time, he shall pay the same to the school commissioners of said county, for the use of schools of such precinct where such animals may be so taken up and sold.

To be sold at public auction.

Schools.

County court to erect pound.

Vote to be taken.

Counties may adopt.

§ 5. The county court of said county may make such provisions for providing for or erecting pounds in the several precincts of said county as they may deem expedient, and may also authorize a vote to be taken upon the ratification of this act, at any general election in said county; and if a majority of the legal voters, voting for or against this act, vote for the same at any such election, then this act shall be in full force from and after such election.

§ 6. Any other county in the state, which has not adopted the township organization law, may adopt the provisions of this act by vote of the county as above provided, at any regular election, whenever the county court of said county may order a vote to be taken upon the question.

APPROVED February 10, 1853.

AN ACT in relation to certain records in Crawford county.

In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the clerk of the circuit court of Crawford county be and he is hereby authorized to copy into new books the following records of his said office, to wit: The record of transcripts, record of certificate of purchase, execution docket "A," and the general index of the record of deeds;" which books, so copied, shall be evidence; and copies from said records shall be received in evidence in the same manner as copies of the original records; also, that he make out in a suitable book provided for that purpose a general index of the court journals of said office; for which he shall be allowed eight cents for every one hundred words for said transcribing; to be paid out of the county treasury of said county, upon the affidavit of said clerk.

Authorize clerk to copy records.

To be evidence.

Proviso.

Compensation.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1853.



In force Feb. 10,  
1853.

AN ACT for transcribing certain records in Coles county.

W. D. Latshaw  
authorized to  
transcribe re-  
cords.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That for the preservation of the records of the sales of lands and town lots sold for taxes in Coles county, prior to the 10th day of June, A. D. 1850, and also the records of wills, bonds, letters, inventories, appraisement and sale bills of the probate court of said county, from record "B" back to the organization of said county, that William D. Latshaw, of Charleston, in said county, is hereby authorized and required, by himself or his authorized deputy or deputies, to transcribe said records into well bound books, to be furnished by the county court of said county, and for that purpose shall have access to all the public records of said county.

Records to be val-  
ued.

§ 2. When said records have been fully transcribed, as aforesaid, the same shall become and constitute a portion of the records of said court, and shall be as valid in law as if originally recorded in the same.

Compensation.

§ 3. That the said William D. Latshaw shall be allowed as a compensation for performing the duties required of him under this act, for every one hundred words and figures, in transcribing probate records, eight cents; and for each tract of land and town lot transcribed, five cents; to be paid out of the county treasury from time to time, as the said transcribing progresses.

To be compared.

§ 4. It shall be the duty of the judge of the county court of said county, within three months after the transcribing of the probate records aforesaid shall have been completed, to carefully compare the same, in open court, with the original records, (making corrections, if any be necessary,) and certify the same, under his signature, as being a true and perfect transcript of said records, as originally recorded; and the said judge, having associated to himself one or both of the county justices of the peace of said county, shall, in like manner, examine and compare the transcript of the tax sales with the original records, and certify the same, under their signatures, as being a true and perfect transcript of the sales aforesaid, as originally recorded.

To certify.

§ 5. This act to be in effect from and after the 14th February, 1853.

APPROVED February 10, 1853.

AN ACT to vacate parts of a certain state road therein named.

In force Feb. 11,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road known as the Sycamore and state line state road as runs from the south lines of sections twenty-three and twenty-four north, to the east and west half section line of section two, in the town of Durham, in the county of McHenry, be and the same is hereby vacated.

This act to be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to relocate the county seat of Saline county.

In force Feb. 10,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That on the first Monday in May, in the year of our Lord one thousand eight hundred and fifty-three, an election shall be held in the county of Saline, in the state of Illinois, at the usual place of holding elections, for the purpose of determining whether or not the present seat of justice of said county shall be removed and relocated. Special election.

§ 2. The judges and clerks of election shall attend on the day of election, and conduct said election according to the election laws of this state; and all legal voters of the county of Saline shall be entitled to vote at said election for the removal of the seat of justice of said county of Saline to some central and suitable point within said county, or in favor of said seat of justice remaining at Raleigh, as now located. Judges and clerks to attend.

§ 3. The clerk of said county shall give notice as in other cases of election, and the judges and clerks of said election shall make returns of the same in the manner and time now prescribed by law in regard to other elections in this state. Notice.

§ 4. When the returns shall have been made to the clerk of the county court of said county of Saline, he shall proceed to open and count the votes given for the relocation of the said seat of justice, and also the votes given for retaining the seat of justice at Raleigh; and the opening and counting of said votes shall be in accordance with the laws regulating the opening and counting the votes of elections in this state; and if a majority of all the votes given for and against the removal and relocation of said county seat, and in favor of its location at some central point of said county, then the point which shall be selected by the commissioners hereinafter appointed shall be and remain the permanent seat of justice of Saline. Votes to be counted.

Commissioners.

§ 5. If a majority of said votes shall be given for the relocation of said county seat as aforesaid, then John J. Davis, of Williamson county, Alexander Jenkins, of Pope county, and William Vineyard, of Hardin county, shall be and they are hereby appointed commissioners to select and locate said seat of justice at some eligible point, as near the geographical centre of said county of Saline as the nature of the ground will allow: *Provided*, that the owner or owners of the land so selected shall release and convey all his or their right and title to said land to said county.

Erection of public buildings.

§ 6. After such selection shall have been made as aforesaid, the county court of the said county of Saline are authorized, and it is hereby made their duty to procure the erection of suitable public buildings for the holding of courts and for the public offices of said county; and when such arrangements shall have been made, the records of said county shall be removed from Raleigh to the new county seat.

To dispose of county property.

§ 7. It shall be the duty of the county court of said county of Saline, in case the seat of justice of said county shall be removed under the provisions of this act, within as short a time as practicable after such removal, to proceed to sell the lot or lots of ground, with the public buildings thereon, situated in the town of Raleigh, and belonging to the said county of Saline, either at private or public sale, and upon such terms as the said court shall deem expedient: *Provided*, that if the said premises shall be exposed at public auction, four weeks' notice of the time and place of such sale shall be given by publication in the nearest newspaper and by posting up written notices in four of the most public places in the said county of Saline.

Proviso.

County judge to execute deeds.

§ 8. The county judge of said county of Saline is hereby authorized to execute a deed or deeds to the purchaser or purchasers of said premises, which when duly acknowledged and recorded according to law, [shall] convey to the said purchaser or purchasers all the right and title of the said county of Saline in and to the said premises.

Compensation.

§ 9. The commissioners appointed under this act shall receive such compensation for their services as the county court of said county of Saline shall deem just and right.

§ 10. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT requiring druggists, and all persons dealing in medicines, to label In force Feb. 12, 1853.  
all medicines by them sold.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all druggists, and other persons selling medicines at retail, To label medicine shall be required to place upon each bottle, vial or package by them sold, a label, with the name of the medicine which such bottle, vial or package contains, written or printed thereon.

§ 2. Any person who shall violate the provisions of the foregoing act, shall be subject to a fine of not less than one nor exceeding five dollars, to be recorded [recovered] before any justice of the peace in an action of debt: *Provided*, that the provisions of this act shall not apply to physicians in their practice. Penalty.

APPROVED February 12, 1853.

AN ACT to provide for the sale of the estates of insane persons. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever it shall become necessary to sell the real estate of idiots, lunatics or distracted persons, for the purpose of paying debts, supporting a family or educating children, or when it shall be deemed proper to make such sale for the purpose of investing the proceeds in real estate, the conservator shall petition the circuit court of the county in which he was appointed, or in which the parties to the proceeding, or a part of them, reside, asking that an order on orders be made authorizing such sale. Petition circuit court.

§ 2. The petition aforesaid shall set forth and state the reasons why, and the purposes for which a sale of real estate is deemed necessary or proper, and shall be accompanied by an inventory or descriptive list of all the real estate owned or possessed by such idiot, lunatic or distracted person, together with a statement of the accounts of the conservator, showing the disposition of the money, property or effects which may have come to his hands, setting forth also the names of all persons who would be interested in the estate, in case of the death and intestacy of the owner thereof, all of whom shall be made parties to the proceeding. Inventory of property.

§ 3. Upon the filing of the petition aforesaid, a summons shall be issued against the persons made parties as aforesaid, and which shall be served as in cases of chancery. Summons. And in case any of said parties cannot be found, or reside Publication.

out of the state, they shall be notified of the proceeding by publication, as in proceedings in elancery against non-residents.

Guardian to be appointed.

§ 4. The court shall appoint guardians *ad litem* for infant parties, when no guardians shall appear, and also make any and all orders necessary to bring parties before it, and to a proper and speedy disposition of the petition in a manner consistent with the facts and the rights of all parties interested, directly or indirectly, in the estate to be affected.

Court to determine.

§ 5. When all parties as aforesaid shall have been notified of the proceeding, the court, upon the hearing of the petition, the objections thereto, if any are interposed, and all facts with respect to the matter thereof, shall, in the exercise of a sound discretion, make such order or orders as may appear necessary and proper to execute the provisions of this act, and to supply conservators and families of idiots, lunatics and distracted persons with means to be used for the purposes herein expressed.

Order of sale.

§ 6. Orders of sale made by court shall describe the property to be sold, and specify the terms of sale, and direct the application or use of the money; and power is hereby vested in said courts to make any and all orders necessary to the security and proper application of the moneys in the hands of conservators.

Conservators.

§ 7. Conservators appointed in foreign states may avail themselves of the provisions of this act by filing a copy of their appointment with the clerk of the circuit court, and giving security for costs, and by furnishing satisfactory evidence that they have given adequate and sufficient security for the faithful and proper application of the funds arising from the sale.

This act shall take effect and be in force from its passage.

APPROVED February 12, 1853.

In 1853 Feb. 10, AN ACT authorizing the president and trustees of the town of Chester, and county of Randolph, to levy a special tax.

Special tax.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the president and trustees of the town of Chester are hereby authorized to levy a special tax for the improvement of the streets of said town, not exceeding in any year one per centum on the assessed value of the real estate in said town.

Notice.

§ 2. Before levying the tax named in the foregoing section, it shall be the duty of the said president and trustees



to cause notice to be given by posting up six notices in the most public places in said town, that on the day named in said notices, a vote will be taken for or against levying said tax, and if two-thirds of the votes polled be in favor of levying said tax, then it shall be the duty of the said president and trustees to levy the same and cause the tax <sup>to be taken,</sup> so levied to be collected as other taxes of said town are collected, and when collected the same shall be set apart for and applied to the improvement of the streets as aforesaid, and to no other purpose whatever.

§ 3. The said vote shall be taken, and returns made in <sup>the election returns,</sup> of the same manner as the election of president and trustees of said town. This act to be in force from and after its passage.

APPROVED February 10, 1853.

#### AN ACT to amend the criminal code.

(in force F. b. 11,  
1853.)

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* If any person or persons shall wilfully and maliciously displace or remove any switch, signal or rail of any railroad, or shall break down, rip up, injure or destroy, any railroad track or railroad bridge, or any portion thereof, or place any obstruction whatever on any such rail or railroad track, or bridge, or switch, or place any false signal upon or along the line of any railroad track, with intent that any person or property being or passing on and over said railroad should be injured thereby, every such person so offending, upon conviction thereof, shall be punished by imprisonment in the state penitentiary not less than one year and not exceeding five years.

§ 2. If any person or persons shall wilfully and maliciously displace or remove any switch, signal, or rail of any railroad, or shall break down, rip up, injure or destroy any railroad track or railroad bridge, or any portion thereof, or place any obstruction whatever on any such rail, railroad track, or bridge, or switch, or place any false signal upon or along the line of any railroad track, with intent that any person or property being or passing on and over said railroad, should be injured thereby, and in consequence of any such act done with the intent aforesaid, any person being or passing on and over said railroad shall actually suffer any bodily harm, or any property shall be injured, every such person so offending shall, upon conviction

thereof, be punished by imprisonment in the state penitentiary for a term not less three years, nor exceeding ten years.

Penalty for removing.

§ 3. If any person shall wilfully and maliciously displace or remove any railway switch, signal or rail of any railroad, or shall break down, rip up, injure or destroy any railroad track or railroad bridge, or fence, or any portion thereof, or place any obstruction whatever on any such rail, switch, railroad track or bridge, or shall do or cause to be done any act or acts whatever, whereby any engine, machine or structure, or any matter or thing thereto appertaining, shall be stopped, obstructed, impaired, weakened, injured or destroyed, with intent that any person or property passing on and over said railroad should be injured thereby, and if in consequence of such act done with intent aforesaid any person is killed, or the life of any person is lost, every person so offending shall be deemed guilty of murder, and upon conviction thereof shall be punished accordingly.

APPROVED February 11, 1853.

in force Feb. 12, 1853. AN ACT to legalize the assessment and sale of lands and town lots in Macoupin county, for the taxes due thereon for the year 1851.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the assessment of property made in and for the county of Macoupin for the year 1851, be and the same is hereby legalized and declared valid, to all intents and purposes.

Assessment legalized.

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Judgment declared legal and valid.

§ 2. The judgment of the county court of Macoupin county of the December term thereof, 1852, and the sale made by William M. Snow, late sheriff and collector of said county, of the lands and town lots described in said judgment for the taxes due upon the same for the year 1851, be and the same is hereby declared legal and valid, to all intents and purposes as if the said judgment had been rendered at the proper time, by the proper court, and the report of delinquent lands and the sale thereof had been made at the proper time and by the proper officer.

APPROVED February 12, 1853.

AN ACT appropriating fines, penalties and forfeitures incurred within the limits of the city of Alton. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all fines and forfeitures which may be collected for penalties incurred within the limits of the city of Alton, for a violation of any of the provisions of the act of the general assembly of the state of Illinois, entitled "An act to prohibit the retailing of intoxicating drinks," approved February 1st, 1851, shall be paid into the treasury of the city of Alton, by the officers collecting them. Fines and forfeitures to be paid into city treasury.

APPROVED February 12, 1853.

AN ACT to authorize St. Clair county to issue bonds.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of St. Clair county are hereby authorized and required to issue county bonds of one hundred dollars each, which in all shall not amount to more than fifty thousand dollars. Said bonds shall be made payable on or before the expiration of thirty years from the time they are issued, bearing an annual interest not to exceed ten per cent. Said bonds shall not be sold below the par value thereof, and always receivable for taxes or other dues to the county. Said bonds shall be sealed, signed by the judge of the county court, and countersigned by the clerk of said court, and the interest of said bonds shall be paid punctually each and every year, in the city of Belleville, to the owner or owners thereof. In force Feb. 10, 1853.

§ 2. The faith and credit of the county of St. Clair, all the taxes collected of the county, and all the public property of said county, are hereby pledged and made accountable for the payment of the principal and interest of said bonds. Issue bonds.

§ 3. The county court of the county of St. Clair are hereby authorized and required to subscribe stock to any plank road company which may in their judgment be of public benefit to the county. Said stock shall not exceed one-third of the amount of all other subscriptions of stock to said company, and shall, in all the subscriptions of stock to plank roads, not exceed thirty thousand dollars. The amount of stock so subscribed under the provisions of this act shall be paid out of the proceeds of the sale of said bonds. Rate of interest.

Property pledged for payment.

Subscribe stock.

Amount.

Dividends.

Stock to be sold.

Proceeds, how applied.

Authorized to build court house

Amount.

Election.

§ 4. The county shall receive the same dividends arising from said plank roads, and be under the same responsibilities as other stockholders are, and it shall be the duty of the county court to sell the county stock in said plank roads at a fair price, as soon as said roads or any of them are in complete operation, and the proceeds applied to the payment of said bonds, to the amount so paid.

§ 5. The county court of St. Clair county are hereby authorized and required to erect and build a suitable court house on the public square in Belleville, or within two hundred yards from said square. The said court are also authorized and required, if they consider it necessary, to purchase for the county a suitable lot or lots, whereon to erect said court house, and the amount of money necessary to purchase said lot or lots, and to erect said court house thereon, shall be paid out of the proceeds of the sale of said bonds; which amount to erect the court house shall not exceed twenty thousand dollars.

§ 6. An election shall be held in St. Clair county, by the legal voters of said county, on the fourth Saturday of March next. Said election shall be conducted under the election law like other elections, and the votes be given for or against this act; if a majority of the votes given for the act after they are legally counted, then this act shall be in force from and after said election; if a majority of votes be cast against the act, then in that event this act shall be null and void.

APPROVED February 10, 1853.

In force Feb. 12, AN ACT to appoint commissioners to build a house for the governor of the state of Illinois.

Commissioners.

Appropriation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor, auditor and treasurer be appointed commissioners, whose duty it shall be, immediately after the passage of this act, to purchase for the state of Illinois a lot of ground upon which they shall erect a building, to be occupied by the governor of the state of Illinois as a residence; and the sum of fifteen thousand dollars is hereby appropriated out of any money in the treasury for that purpose, subject to be drawn out on the order of the board; upon the presentation of which order, the auditor is directed to issue his warrant on the treasurer.

§ 2. When the building shall be completed, or any other provision shall be made for the building or purchase of a residence for the governor, the auditor is hereby directed

to issue his warrant on the treasurer in favor of said board, to be invested by them in the purchase of furniture for said house, for any sum not exceeding three thousand dollars. Auditor to issue warrant.

§ 3. Said board may, if they think it advisable, purchase a residence for the use of the governor; and said board is hereby authorized to dispose of, upon the best terms they can, the house and lot now occupied by the governor, and any conveyance executed by the governor of this state, under the directions of said board of commissioners, shall convey all the right, title and interest which the state of Illinois has in said premises, and the proceeds of said sale shall be expended for the purpose of complying with the provisions of this act. Authorized purchase and sell.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 12, 1853.

AN ACT to extend the time for the construction of the first fifty miles of the Illinois Central Railroad. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in case the fifty miles of said railroad lying between the cities of La Salle and Bloomington are finished, completed and in operation on or before the fifteenth day of June, in the year of our Lord one thousand eight hundred and fifty-three, the state of Illinois will not claim any forfeiture of the two hundred thousand dollars deposited by said company with the treasurer of the state, under and by virtue of the fifteenth section of the act incorporating said company, approved 16th Feb., A. D. 1851. Time extended.

§ 2. Persons who have filed claims to lands of said company, according to the provisions of the 25th section of said act, shall be allowed, in addition to the time given in said act, the further time of one year within which to make payment for said lands. Claims.

§ 3. This act shall not take effect or be in force except upon the condition that the said company shall, within fifty days from the passage of this act, accept of its provisions by resolution of their board, a certificate whereof shall be filed with the secretary of state, under the seal of said company. Certificate to be filed.

This act to take effect from and after its passage.

APPROVED Feb 12, 1853.



In force Feb. 12, 1853. AN ACT to amend an act entitled "An act to provide for a general system of railroad incorporations."

Powers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all railroad companies incorporated, or which may be hereafter incorporated under the authority of this state, the lines or routes of which railroads may connect with or cross each other, shall have power to make contracts or arrangements with each other for the use of each other's engines, machinery or cars, as also for the mutual transportation of material, merchandise and passengers upon and along the lines of each other's roads, upon such terms as may be mutually agreed upon between any such corporations.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to change the location of the Astoria and Lewistown state road, and to vacate a part of said road.

Location changed

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state road leading from Astoria to Lewistown, in Fulton county, shall be so altered as to run due south from Main street, in said town of Lewistown, until it reaches the middle of the southwest quarter of section number twenty-seven, in township number five north, of range number three, east of the fourth principal meridian, and from thence due west until it intersects said road as now laid out, and that all that portion of said road which runs angling across any portion of section number twenty-seven, in said township, be and hereby is vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 11, 1853.

AN ACT to establish Bluff Precinct in Monroe county.

Precinct established.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a precinct, to be called and known as "Bluff precinct," be and the same is hereby established and created in Monroe county, Illinois.

Precinct established.

§ 2. The boundary lines of said precinct shall be known and described as follows, to wit: commencing at the cor-

ner of section twenty-one, township three south, range ten west, in said county, thence north to the section line between sections twenty-one and twenty-eight, in township two south, range ten west, thence north one mile, thence due east to the Mississippi bluff, thence southwardly along the bluff, with the meanderings thereof, to the road leading from New Design to Harrisonville, thence eastwardly to the place of beginning.

§ 3. The inhabitants of said precinct hereby created and established shall enjoy all the rights and privileges which the inhabitants of other precincts by law are entitled to have and enjoy. The first election shall be held at the residence of Philip Hoffman, senior; at which election a poll shall be opened for a vote to determine the place of holding all future elections, according to the majority of votes cast; the place having the highest number of votes to be the place designated.

Rights and privileges.

Election.

§ 4. This act to be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to convey the interest of the state of Illinois in certain lands to In force Feb. 12, 1853.  
St. Clair county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all the right, title, interest or claim of the state of Illinois, acquired by virtue of an act of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September twenty-eighth, one thousand eight hundred and fifty, in and to the islands in the Mississippi river within the limits of St. Clair county, are hereby transferred, set over and conveyed to the said county.*

Right and interest transferred.

§ 2. This act to take effect from and after its passage.

APPROVED February 12, 1853.

AN ACT to vest in the board of supervisors of Lee county the control of the swamp and overflowed lands situate therein, and for other purposes. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the care and superintendence of so much of the swamp and overflowed lands granted to the state of Illinois by the act*

of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September twenty-eighth, one thousand eight hundred and fifty, as lies in the county of Lee, is hereby vested in the board of supervisors of said county, and the said board of supervisors are hereby vested with all the power in relation thereto heretofore given to the county court, subject in all respects to the provisions of the act entitled "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same," approved June twenty-second, eighteen hundred and fifty-two, except as herein otherwise provided.

To be read.

§ 2. When any part of said swamp or overflowed lands shall not be susceptible of being drained or reclaimed, and shall be so reported by the county surveyor or other person employed by said board, or heretofore by the county court; to survey the same or whenever the said board shall be of the opinion that any part of the same will not pay the expenses of reclaiming or draining, or that the interests of the county require that the same should not be drained, then it shall be lawful for the said board of supervisors to cause such part to be sold in the manner provided in said act for the sale of lands by virtue thereof, the proceeds of such sale to belong to the several school townships in said county, and to be divided according to the provisions of section seventeen of said last mentioned act, subject moreover to the provisos in said section.

To be read.

To sell lands  
in case of

§ 3. In all cases where any of said lands are overflowed in consequence of the erection of mill-dams, and when the said board of supervisors shall deem it to the interest of the inhabitants of said county that such dam should not be removed, the said board of supervisors is hereby authorized to sell such tracts of land as hereinbefore provided, and with such restrictions and agreements for the maintenance and preservation of such dams, and the water power created thereby, as to them shall seem expedient.

To be read.

§ 4. The said board of supervisors shall have power to lease any of said lands described in the foregoing sections two and three, for such length of time and on such terms as they shall see fit; the rent of the same to be disposed of as in cases of sales.

§ 5. This act shall be in force from and after its passage.  
Approved February 12, 1853.

AN ACT giving the county court of Washington county the control of the lower rooms in the county jail of said county. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Washington county be and are hereby authorized to take charge, manage and have the entire control of the lower rooms in said jail not constructed for prison rooms, and the entire management of said rooms shall be subject to the order of said court. County court to have control.

§ 2. The county court of said county are hereby authorized to hold sessions of said court in the lower rooms of their jail, should they see proper so to do; and all acts done and orders made by said court, during any session held in said lower rooms in said jail, shall be as binding and valid in law as if the said court should hold such session or sessions in the court house. Hold session of court.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT concerning the records of Massac county.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for the county court of Massac county to employ some suitable person who will do the work the cheapest, to copy into a well bound book or books, at the expense of said county, all deeds, mortgages, bonds, or other writings for the conveyance of or relating to lands lying in said county, and which deeds, mortgages, bonds, or other writings were recorded in the recorders' offices of Johnson and Pope counties previous to the organization of said Massac county. Records to be transcribed.

§ 2. The person or persons employed by the county court of Massac county to procure copies as aforesaid, shall have full access to the books in the recorders' offices of Johnson and Pope counties, for the purpose of making such copies, and the recorders of Johnson and Pope counties shall carefully compare such copies with the records in his office, and if they find them to be correct, they shall make a certificate to that effect, under their hands and seals, at the end of each volume of said copies. Access to books, &c.  
To be compared.  
Certificate.

§ 3. At the end of each copy of each deed or other writing copied as aforesaid, the person copying the same shall note the volume and page of the record from which it is copied. Volume and page

Compensation.

§ 4. For their services in comparing such copies, the recorders of Johnson and Pope counties shall be entitled to a compensation not exceeding ten cents for each deed or other writing so compared by them, to be paid by Massac county.

To be evidence.

§ 5. All copies made, compared and certified as aforesaid, and all transcripts of such copies, certified under the hand and official seal of the recorder of said Massac county, shall be received and taken in all courts of justice, and other places in this state, in as full and ample a manner as the records from which they shall be taken: *Provided, however*, that if any discrepancy or variance shall be found to exist between the said copies and the records of Johnson and Pope counties, certified by the recorders thereof to be correct, and to have been examined with reference to such variance, shall be received as the proper evidence.

Proviso.

Effect.

§ 6. This act shall not be so construed as to change or effect the existing laws of this state in relation to the admission of copies of deeds and other writings as evidence, but the same rules of evidence, as to the production of the original deeds or writings, shall be pursued as is now provided by law.

§ 7. This act to take effect from and after its passage, and to be deemed a public act.

APPROVED February 10, 1853.

In force Feb. 12, AN ACT to authorize the county court of Menard county to levy a special tax.

Special tax.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the county court of Menard county, Illinois, be and the same is hereby authorized to levy and collect in the year A. D. eighteen hundred and fifty-three, and in each succeeding year thereafter, until the object of this act shall have been effected, a special tax upon all the property in said county liable to taxation, for state and county purposes, at any rate per cent. which will not produce in each year an aggregate sum of more than three thousand dollars.

Collection.

§ 2. The collection of taxes under the provisions of this act shall be enforced in the same manner as is or may be provided by the laws of this state for the collection of the state revenue, and when collected the same shall be a separate fund in the treasury of said county, and shall be appropriated under the orders of the county court of said county in discharging the debts and liabilities incurred by

Appropriated.



said county in building a bridge across the Sangamon river, near the town of Petersburg, in the year 1852, and in payment of the debts owed by said county.

§ 3. This act to be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to allow the counties of Lawrence and Richland to collect a special tax. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county courts of Lawrence and Richland counties be and the same are hereby authorized to set apart and collect in specie ten cents upon each one hundred dollars' worth of property, to be applied to the payment of interest upon the bonds which said counties may issue to the Ohio and Mississippi Railroad Company.

APPROVED February 10, 1853.

AN ACT in relation to back taxes on certain town lots.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all taxes heretofore assessed upon town lots in the town of Kankakee, in the county of Grundy, which remains unpaid by reason of a failure to collect the same by sale of such lots, are hereby relinquished, and the clerk of the county court of Grundy county is hereby authorized to strike all such back taxes from the collectors' books of said county.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 10, 1853. AN ACT in relation to justices of the peace in the township of Avon.

Preamble.

Whereas the electors of the township of Avon, in the county of Lake, did in the month of February, 1852, at a special town meeting convened for the purpose, elect a justice of the peace, under and by virtue of an act, approved February 26th, 1847, allowing an additional justice of the peace and constable for the precinct or election district in which the town of Hainesville was situated; therefore,

Election declared valid.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the election of said justice of the peace as aforesaid, be and the same is hereby declared legal and valid, and the said justice of the peace so elected shall continue in office until the first Tuesday in April, 1854: *Provided,* he shall continue a resident of the county of Lake, and until his successor shall be elected and qualified.

Proviso.

This act to be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 1, 1853. AN ACT to authorize the auditor of state to file certain reports therein named.

Auditor to receive report.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state auditor be and is hereby authorized and required to receive and file the October quarterly report for the year one thousand eight hundred and fifty-two of the Rock Island Bank, and after the said report is filed, then the said report shall operate to be considered as filed within the time prescribed by law, and the said bank is hereby released from all liability or forfeiture by reason of said report not having been filed within the time prescribed by law, and that he be authorized to file the report required to be filed in the month of January, 1853.

Released.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 1, 1853.

AN ACT to authorize the state librarian to repair the library room, and for In force Feb. 12, 1853.  
other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of nine hundred dollars be and the same is hereby Appropriation, appropriated, for the purpose of putting up additional shelves in the library room, and making glass cases in which to keep the most valuable works; also for repairing the said library room and the office of secretary of state, which said sum of money shall be expended under the direction of the secretary of state and the auditor is hereby required to issue his warrant on the treasurer for said amount, to be paid to the said secretary for the purposes aforesaid.

This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to amend the fifty seventh chapter of the Revised Statutes, entitled "Judgments and Executions." In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all certificates of purchase executed by sheriffs upon sales under executions, orders or decrees, shall be filed, recorded and paid for in the same manner as is provided in the 27th section of the above entitled act concerning certificates of levy on attachments or executions from foreign counties. Certificates.

§ 2. In all cases of redemption of land from sale had under any attachment, judgment order or degree, or proceeding thereunder, it shall be the duty of the purchaser, sheriff, master in chancery, or other officer or person from whom said redemption takes place, to make out an instrument in writing, under his hand and seal, evidencing said redemption, which shall be recorded in the recorder's office of the proper county, in manner as other writings affecting the title to real estate are filed and recorded, and which recording shall be paid for by the party redeeming. Redemption. Recorded.

§ 3. This act shall take effect and be in force at the expiration of sixty days from the passage hereof.

APPROVED February 12, 1853.

AN ACT to provide for the reprinting of the public laws enacted the first session of the sixteenth general assembly of Illinois, together with the constitution.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be the duty of the secretary of state, and he is hereby required to cause to be printed and distributed with the laws of the present session of the general assembly, five thousand copies of the public laws enacted at the first session of the sixteenth general assembly of this state, together with the constitution.

§ 2. Said five thousand copies shall be distributed among the several counties in this state in proportion to the number of copies of the laws to which each county is now entitled, and the county clerks of the several counties shall distribute them among such officers as are entitled to copies of the laws, and are now unprovided with the public laws of 1849.

§ 3. There shall be printed and distributed in like manner five thousand copies of the laws of this state of 1847.

§ 4. There shall be printed along with the other laws, one thousand extra copies of each session, which shall be kept by the secretary of state and sold at cost, and the proceeds accounted for by him.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1853.

AN ACT to incorporate the Illinois State Agricultural Society.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* The Illinois State Agricultural Society shall, by that name and style, be hereafter known as a body politic and corporate.

§ 2. The object of the society being to promote the agricultural, horticultural, manufacturing, mechanic and household arts, they shall be allowed, for those purposes only, to take and hold real and personal estate, the former to the amount only of twenty-five thousand dollars.

§ 3. The society shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all the courts of law and equity of this state, and shall further enjoy all the privileges incident to incorporations of said character, and not inconsistent with the laws of this state.

§ 4. The society shall have power to alter and amend Amend. their present constitution, to make, alter and repeal such by-laws as may be deemed necessary for carrying out the objects of the society.

§ 5. This act shall be in force from and after its passage.

APPROVED February 8, 1853.

AN ACT to provide for the sale of the state lands and liquidation of state indebtedness, and to grant the right of pre-emption to settlers on state lands. in force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby required to offer at public sale, in accordance with the provisions and requirements of this act, all the lands owned by the state of Illinois, and withheld from sale by an act entitled "An act to suspend the sale of lands owned by the state," approved February 7, 1851. Auditor to offer at public sale.

§ 2. The auditor shall cause all the said lands to be offered at public sale, by auction, within a period of twelve months from the passage of this act, and shall sell said lands for gold or silver, to the highest bidder: *Provided*, that any of said lands shall not be struck off and sold for a less amount per acre than three dollars and fifty cents; and all such lands as may be appraised at less than that sum may be struck off and sold at their appraisement, as made in pursuance of "An act to provide for the sale of public property, and the payment of the public debt," in force March 4, 1843. To sell. Provision.

§ 3. The auditor shall cause all such lands to be offered for sale at the several county seats in which said lands are situated; notices of such sales to be published in two newspapers in the county where such land is located (if any there be,) if not, in the nearest newspaper published in the vicinity, and in those counties where no newspaper is published, in addition to the foregoing notice, the auditor shall cause printed notices of such sale to be posted in at least three public places within such county, four weeks before the day of sale, of which sales he shall give public notice in the newspapers published in the aforementioned places, if any there be, and if not, in the newspaper, or newspapers, as he may determine, published nearest to such places, describing, by numbers of the United States surveys, each tract of land which will be offered for sale, and stating that the same will be sold for gold or silver only; To be offered at county seat. Notice.



which notices shall be so published four successive times, at least eight weeks before the time of sale.

**Sales to continue.** § 4. Said sale shall be continued, from day to day, until each tract shall have been once offered, giving a reasonable time for bids to be made for each tract; and all such lands remaining unsold, after having been so offered, shall  
**Subject to entry.** then be subject to entry, in the auditor's office, for gold or silver, at the rate of three dollars and fifty cents per acre, except such lands as are appraised at less than that sum, which shall be subject to entry at their appraisement. And no person shall be allowed to buy at any of such sales, a larger quantity of said lands than the amount of three hundred and twenty acres. And one year from and after the said lands shall be so offered at public sale, the price there-  
**Reduction price.** in of shall be reduced fifty cents on each and every acre, and the auditor shall so continue, at the expiration of each and every year thereafter, to reduce the price of said lands fifty cents per acre, until the same shall be sold; but in no case shall any of said land be sold for a less sum than one dollar and fifty cents per acre. After holding such sales, the  
**Send list to county clerks.** auditor shall cause separate lists to be made of the lands remaining unsold in each county, and shall send such lists to the clerks of the county courts of such counties, to be by them kept in their offices for inspection.

**Certificate.** § 5. The auditor shall issue a certificate to all purchasers, stating therein the amount bid per acre for each tract, which shall entitle the holder thereof, or his heirs or other legal representatives, to a deed, to be made in the same manner as deeds or patents were made to such lands before they were withheld from sale by the act to suspend the sale of lands owned by the state, approved February seventh, one thousand eight hundred and fifty-one.

**Moneys to be paid into the treasury.** § 6. All moneys received by the auditor for such lands shall be by him paid over to the state treasurer monthly, who shall give him a voucher therefor, which shall be filed  
**Vouchers to be filed.** in the auditor's office; and the auditor shall enter an account of all such sales upon a book or books to be kept, or now kept, in his office, which books shall be open to the inspection of any person interested.

**Governor to invest in bonds.** § 7. All moneys so received into the treasury shall be invested, by the governor, in bonds, scrip, or other state indebtedness now due, or which may hereafter become due, and the governor shall cancel all such indebtedness, of whatever kind, and deliver the same to the auditor, together with a statement showing the numbers and description of such indebtedness, and the amount paid therefor; also the names of the persons from whom such bonds, scrip, or other state indebtedness, was purchased; all of which shall be reported to the next general assembly, and lien-

nially thereafter, until all such lands are sold by the auditor, who shall also make a record in his office of all such indebtedness so cancelled.

§ 8. Any person having become an actual settler on any forty or eighty acre tract of land now belonging to the state, previous to the entry or selection of said land by the state, or owner or owners, in possession at the time of the passage of this act, of any improvement so made, he or she shall be entitled to the right of pre-emption to any such tract or tracts of land, not exceeding eighty acres, extending to the period of two years from the passage of this act, at the price of one dollar and twenty-five cents per acre, with six per cent. per annum interest from the date of entry or selection by the state until paid for by the person having such pre-emption right. And any owner or owners of any improvement at the time of the passage of this act, made on any forty or eighty acre tract of said lands previous to the first day of October, one thousand eight hundred and fifty-two, he or she shall be entitled to the right of pre-emption to any such tract or tracts of land, not exceeding eighty acres, extending to the period of two years from the passage of this act, at the price per acre of the last appraisement made by authority of the state: *Provided*, that every person claiming the right of pre-emption under this act, shall file his or her claim with the auditor of public accounts within six months from the passage of this act, authenticated by his or her affidavit, and by the oath of one or more competent witnesses, establishing his or her claim, made before some person having the authority to administer oaths under the laws of this state, particularly and accurately describing such tract or tracts of land, and setting forth that such person had settled on the same previous to the entry or selection thereof by the state, or had purchased and was the owner of an improvement so made, or was the owner of an improvement, at the passage of this act, made previous to the first day of October, 1852, as the case may be.

§ 9. All bills for expenses necessarily incurred by the auditor in carrying out the provisions of this act, shall be submitted to the governor, and, upon his approval, the auditor shall issue his warrants on the state treasury for the payment of the same.

§ 10. Any such lands to which pre-emption rights may be established within the time specified by this act, shall not be offered at public sale, nor be subject to entry until the pre-emption right thereto shall have expired.

§ 11. All combinations, agreements, contracts, and bargains, of every kind and description, intended to enable any person or persons to acquire more than three hundred and twenty acres of land under the provisions of this act,

shall be unlawful and void, and the title to the land attempted to be illegally conveyed shall remain in the state without refunding the money paid therefor.

§ 12. This act to be in force from and after its passage, and to be immediately published by the secretary of state in the public papers printed in Springfield; to defray the expenses of which the auditor is hereby authorized, on the certificate of the secretary, to draw his warrant on the treasurer.

APPROVED February 14, 1853.

Act to be published.

In force Feb. 11,  
1853.

AN ACT to authorize Union county to borrow money.

Borrow money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Union county is hereby empowered and authorized to borrow, on behalf of said county, a sum of money not exceeding one thousand dollars, in such manner and on such terms as they shall deem proper.

Application.

§ 2. The said money, or so much thereof as said court shall deem necessary, shall be applied to repairs on the court house of said county, in Jonesboro, for work and materials.

Rate of interest.

§ 3. In case the said court shall determine to effect the loan provided for in the first section of this act, they are hereby authorized to contract to give interest upon said loan at the rate of ten per cent. per annum, if it cannot be had at a less rate.

Tax to be levied.

§ 4. Said court is hereby authorized to cause to be levied any sum not exceeding ten cents on the hundred dollars' worth of taxable property in addition to the present amount now allowed by law, to be levied for county purposes, which amount, when thus levied, shall be set apart for the express purpose for reimbursing the said sum which may be borrowed as aforesaid; the said rate of levy to continue from year to year until the said loan and interest are fully paid.

Funds, how to be applied.

§ 5. After the payment of the money aforesaid, said court may, for the payment of all interest orders, or indebtedness of said county drawing interest, outstanding and owing on the first day of April, one thousand eight hundred and forty, continue, from year to year, the rate of levy authorized in the fourth section of this act, until the said indebtedness drawing interest is fully paid, to be de-

signated the "County Interest Debt Tax," and shall in no wise be subject to the payment of any other debt or debts due or to become due against said county.

APPROVED February 11, 1853.

AN ACT authorizing the county of De Kalb to borrow money for certain purposes therein named. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the supervisors of the county of De Kalb are hereby authorized to borrow from any person or persons, corporation or corporations, any sum not exceeding three thousand dollars, to be applied exclusively for building a jail and poor house in said county. Borrow money.  
How to be applied

§ 2. The supervisors of said county are hereby empowered to execute their notes or bonds, bearing interest not exceeding ten per cent., which notes shall be binding on said county of De Kalb. Rate of interest.

APPROVED February 12, 1853.

AN ACT to authorize the board of supervisors of Kane county to borrow money. In force Feb. 19, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of Kane county, and successors in office, be and they are hereby authorized and empowered to borrow, upon the faith and pledge of said county, such necessary sum or sums of money, for any term of time, and such rate of interest, payable at such places as they may deem expedient, not exceeding twenty thousand dollars, and to issue bonds or other obligations therefor, under the seal of the county court of said county, signed by the chairman of the board of supervisors, or his successor in office, and countersigned by the clerk of said board, or his successor in office: *Provided*, that where any money is borrowed under the authority of this act, the time for the repayment of the same shall be so fixed that not exceeding two thousand dollars of the principal so borrowed shall fall due in any one year. Any sum or sums of money borrowed under the authority of this act shall be applied by the board Borrow money.  
Sum limited,  
Proviso.  
Application of funds.

of supervisors, or their successors in office, for the use and benefit of said county in erecting or repairing county buildings for said county.

Special tax.

§ 2. The board of supervisors of said county, or their successors in office, are hereby authorized and required to levy and collect a special tax upon all the taxable property in the county of Kane, sufficient to pay the accruing interest semi-annually on any sum or sums of money they may borrow under the authority of this act, and to pay the principal as it may become due, at a rate of not exceeding two thousand dollars in any one year. Said tax shall be levied and collected at the same time and in the same manner that other taxes of said county are levied and collected, and when collected shall be applied by said board of supervisors, or their successors in office, to the payment of the interest and the repayment of the principal of the money borrowed under the authority of this act, and to no other purpose whatever, until the whole of the money so borrowed is paid in full; and the persons loaning money to said county as aforesaid, are to be in no way responsible for the faithful application or use of the money thus borrowed.

Taxes to be levied and collected.

§ 3. This act to be in force from and after its passage.  
APPROVED February 10, 1853.

In force February 1853.

AN ACT to extend the time for collection of taxes in Crawford county, and for other purposes.

Time extended.

SECTION 1. *Be it enacted by the people of the state of Ohio is, represented in the General Assembly,* That the sheriff of Crawford county, elected to fill said office for the years 1847, 1848 and 1849, be and he is hereby authorized and empowered to collect all taxes remaining due and unpaid in said county for any of the years which he held said office, in the manner then provided for the collection of the same: *Provided,* said sheriff shall not collect any taxes which he has returned as delinquent.

Proviso.

§ 2. No sale or levy shall be made under the provisions of this act after the first day of September next.

Auditor to pay out of treasury.

§ 3. The auditor of public accounts be and he is hereby required to allow and pay the collector aforesaid, out of the state treasury, the sum of ninety-nine dollars and forty cents, for the year 1847; and the sum of ninety-four dollars and eighty-seven cents for the year 1848, in lieu of and for abatements on property assessed for said years, the taxes on which he was unable to collect; and the county court of said county of Crawford shall refund and pay to

County court refund.



said collector the sum of eighty dollars and sixty cents for the year 1847, and the sum of one hundred and five dollars and thirteen cents for the year 1848, being the county proportion of the abatements aforesaid.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 12, 1853.

AN ACT to amend an act entitled "An act for a geological and mineralogical survey of the state of Illinois." In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of five thousand dollars be and the same is hereby appropriated. Appropriation.  
annually appropriated for the purpose of carrying out and completing the geological and mineralogical survey of the state of Illinois; and also the further sum of five hundred dollars per annum, for the purpose of furnishing accurate topographical maps of the several counties in the state, to be made out under the direction and superintendence of the state geologist. The said sums of money are hereby placed at the disposal of the governor, to be applied by him to the uses and purposes specified in this act, and the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to provide for the ordinary and contingent expenses of the government, until the adjournment of the next regular session of the general assembly. In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the following sums be and they are hereby appropriated, to meet the ordinary and contingent expenses of the government until the adjournment of the next regular session of the general assembly of the state of Illinois. Appropriation.

1. A sum not exceeding eight thousand dollars, as a contingent fund. Contingent fund.  
contingent fund, to meet the contingent expenses of the state government; and the said sum shall be subject to the order of the governor, for the purpose of defraying all such expenses as are unforeseen by the general assembly, or are

unprovided for by law; and a proper statement of which shall be laid before the next general assembly by the auditor in his biennial report.

Executive dept.,  
for postage, &c., 2. To the executive department, for postage, candles, books, stationery, &c., a sum not exceeding eight hundred dollars. For repairs of the governor's house, a sum not exceeding six hundred dollars.

Office of secretary  
of state, printing, repairs, &c., 3. To the secretary of state's office, for furniture and repairs of office, postage, printing blanks, &c., stationery, books, candles, &c., and for repairs, furniture, binding books, subscription for periodicals, &c., for said library, a sum not exceeding three thousand dollars.

Fuel, stationery,  
printing, paper,  
&c., for use legislature. For fuel for the use of the legislature and state offices, stationery, printing paper and other expenses necessary in the discharge of the duties required of him as secretary of state, by the laws now in force, a sum not exceeding ten thousand dollars.

Auditor's office,  
for postage, furniture, &c., 4. To the auditor's office, for furniture, repairs of office, abstracts of lands, plats, printing blanks, patents, &c., for the use of office, postage, stationery, books and candles, and for contingent expenses necessary in the discharge of the duties required of him by law, a sum not exceeding six thousand dollars.

Office of treasurer,  
for furniture &c., 5. To the office of the state treasurer, for books, furniture, postage, candles, stationery, &c., a sum not exceeding five hundred dollars.

Auditor to issue  
warrant. 6. The auditor of public accounts is hereby authorized and required to issue his warrant on the treasurer in favor of any person who has or may hereafter furnish for the use of this general assembly any stationery, printing paper, candles or other articles, or for work done, which shall be paid out of any money in the treasury not otherwise appropriated. The accounts shall be certified to by the proper officer, and approved by the governor.

Private secretary. 7. The sum of five dollars per day to the clerk in the executive department, during the present session of the legislature.

Fire proof safe. 8. To the state treasurer, for fire proof vault and safe, a sum not exceeding two thousand five hundred dollars.

Secretary of state  
for deficiency of  
app. of 1851. 9. To the office of the secretary of state, for deficiency of appropriation of 1851, to meet payments due for printing paper, fuel, &c., a sum not exceeding four thousand dollars.

J. Bunn. 10. To J. Bunn, for articles furnished the present general assembly, three hundred and twenty-seven dollars; to J. Cunningham. John Cunningham, for painting, &c., governor's office, one hundred dollars and fifty cents; to William Mowrer. William Mowrer, for repairs and material on governor's house, three hundred and twenty dollars and seventy-four cents; to Ives and Curran. Ives & Curran. for articles furnished the present general assembly, two hun-

dred and sixty-seven dollars; to Selby & Clayton, for printing, one hundred and seven dollars and sixty-eight cents; to each of the joint committee appointed by the legislature to visit the state institutions at Jacksonville, ten dollars; to Enoch Moore, for posting the journal of executive accounts, sixty dollars; to Lowry, Lamb & Co., for stoves and other articles furnished for governor's house, one hundred and fifty-five dollars and eighteen cents; to Opdycke & Fonley, for articles furnished for use of present general assembly, four hundred and twenty-eight dollars and thirty-five cents; to Opdycke & Fonley, for carpet and other articles for the governor's office, sixty-three dollars and twenty-five cents; to J. A. Hough, for furniture, &c., for the governor's office, seventy-three dollars and seventy-five cents; to J. A. Hough, for furniture, &c., for the use of the present general assembly, thirty-two dollars; to John Cunningham, for painting and making carpets, forty-one dollars; to Opdycke & Fonley, for articles furnished the secretary of state, eighteen dollars and forty-one cents; to the state librarian, for his services up to the first day of January, 1854, one hundred-dollars; to R. C. Johnson, for summoning witnesses to attend before the joint committee at Jacksonville, five dollars; to N. W. Edwards, John W. Eldredge and Willis D. Green, commissioners appointed by the last special session of the legislature to visit the state institutions at Jacksonville, each the sum of one hundred and fifty dollars; to Daniel McIlroy, for his services in the Cook county circuit court, up to November 2d, 1852, four hundred dollars; to the door-keeper of the house of representatives, for extra labor by him paid for, the sum of twenty dollars; to E. A. Bedell, for money paid to Long and others for cleaning the senate chamber, three dollars.

Selby &amp; Clayton

Committee visit-  
ing Jacksonville

Enoch Moore.

Lowry, Lamb &  
Co.Opdycke & Fon-  
ley.Opdycke & Fon-  
ley.

J. A. Hough.

J. A. Hough.

John Cunn-  
ham.Opdycke & Fon-  
ley.

State Librarian.

R. C. Johnson.

N. W. Edwards  
and others.

Daniel McIlroy.

Door-keeper.

E. A. Bedell.

11. The governor be and he is hereby authorized and required to order the payment of the postage accounts for this session of the general assembly, which shall be paid on the warrant of the auditor, out of any moneys in the treasury not otherwise appropriated.

Postage account  
of this session.

12. There shall be paid to each of the publishers of papers at the seat of government, for publishing the public laws passed at this session of the general assembly, one hundred and fifty dollars.

Publishers of  
Register, Jour-  
nal, Unionist.

APPROVED February 14, 1853.

AN ACT in relation to conveyances of real estate by non-resident executors. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That when any non-resident executor or executors shall have proved*

Non-resident  
executors.

Provision.

Certificate.

Provided further.

Conveyances may be confirmed.

Notice.

Evidence.

the last will and testament of any deceased person, and taken on him or them the execution of such will in any state, district or territory of the United States, such non-resident executor or executors shall be authorized to execute such will in this state in the same manner as though such executor or executors had qualified in this state: *Provided*, that before such executor or executors shall sell, dispose of or convey any real estate in this state, he or they shall produce such will or a copy thereof, and of the letters testamentary, or other authority to execute the same, under the seal of the court or proper officer where such will was proved or admitted to probate, and of such letters or authority granted, accompanied by a certificate of the judge or clerk of said court or other proper officer, that such letters or authority had been granted in pursuance of and agreeably to the laws of the state, district or territory in which such letters testamentary or authority were granted and filed, and have the same recorded in the probate or county court of the county in which the property, or some part thereof, of which the testator died seized may be situated, and the county judge or judge of probate of such county shall certify that such will was duly authenticated under the provisions of this act: *Provided further*, that said county judge or judge of probate shall require bond from such non-resident executor or executors, or some responsible person in their behalf, to the people of the state of Illinois, in such penalty as such judge shall deem necessary, for the faithful appropriation of the effects of such testator in this state, and for the application of the proceeds thereof, in the first instance, to the payment of all such debts, (if any) as may be allowed by such court against the estate of such testator, within two years from the filing of such bond; and this provision shall be incorporated in the condition of the bond herein provided for. And such bond shall be signed by some responsible person in this state, either as principal or surety, to be approved by said court.

§ 2. The acts of non-resident executors heretofore had in selling or conveying any real estate in this state may be approved and confirmed by the probate or county court of any county where such real estate may be situated, upon petition by any person interested therein, sixty days notice being given by publication in a newspaper published in such county, (and if no paper be published in such county, then in some newspaper published in the nearest county to that where such real estate may be situated,) of the intention to present such petition, and the time and place of such presentation; and upon such approval and confirmation, such sales and conveyances heretofore made shall be as valid and effectual as if made under the provisions of this act. But before such court shall make such approval or confir-

mation, it shall require and receive satisfactory evidence that such sales or conveyances were made in good faith, and that the interests of creditors of the testator in this state will not be prejudiced by such approval and confirmation.

§ 3. Appeals shall be allowed from the order of said court approving and confirming such sales and conveyances as in other cases, by any person who may claim an interest in the premises thus sold or conveyed.

§ 4. The provisions of this act shall not apply to any case where letters of administration shall have been granted upon the estate of such testator in this state, unless such letters shall first be revoked, or the administrator shall die or resign.

APPROVED February 8, 1853.

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AN ACT to amend an act entitled "An act to establish the Illinois State Hospital for the Insane," in force March first, 1847. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act, it shall be the duty of the governor, by and with the advice and consent of the senate, to appoint nine trustees for the Illinois State Hospital for the Insane, designating at the time of such appointment, their respective terms of office, with reference to the following classification, to wit: three of said trustees shall serve for two years, three for four years, and three for six years, from the time of their appointment and until their successors are chosen and qualified; and at the expiration of their respective terms of office the vacancies shall be filled by appointments for six years, to be made by the governor, by and with the advice and consent of the senate. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the same duties which are prescribed for the board of trustees in the act of which this is an amendment. Trustees to be appointed.  
Classification.  
Powers.

§ 2. A treasurer shall be kept in the service of the board, who shall also be the secretary. He shall keep the accounts of the institution and receive and pay out the funds as required by the by-laws. The accounts shall be so kept as to show the receipts and disbursements under appropriate heads, and the kind, quality and cost of every article purchased for the use of the institution; and no individual shall Treasurer to be secretary.  
counts.



be secretary or treasurer of more than one of the state institutions, located at Jacksonville, at the same time.

Trustees to meet. § 3. The trustees shall meet for the transaction of business half yearly, and at such other times as may be found necessary to a proper discharge of their duties, and the travelling and personal expenses incurred in attending the meetings, by those residing out of the county of Morgan, shall be paid out of the funds of the institution, upon orders of the board.

Vacancies, how filled. [§ 4.] The provision of law authorizing the trustees to fill vacancies in the board are hereby repealed, and vacancies shall hereafter be filled by the governor, as provided for in the act establishing the institution.

Accounts of treasurer. § 5. The accounts of the treasurer shall be settled with the governor at the end of every three months, and at each settlement all the money previously received shall be fully accounted for and the vouchers for the same filed with the auditor.

Statement to be filed before received. § 6. Before any person shall be committed to the hospital as a patient, except such as have been heretofore legally decided insane, and married women and infants who may be received by the request of the husband of the woman or the parent or guardian of the infant, if the medical superintendent shall be satisfied that they are insane, some respectable person living in the county in which the person alledged to be insane, resides, shall file with the judge of the county court, a statement, in writing, substantially as follows:

“STATE OF ILLINOIS, ——— County, ss.

Statement. “I, the undersigned, hereby state that ——— (naming the person) of the county and state aforesaid, is insane, and that I believe for his (or her) benefit (for the safety of the community) he (or she) ought to be committed to the Illinois state Hospital for the Insane. The facts in his (or her) case can be proven by ——— (naming at least two persons, one of whom shall be a respectable physician.)

“Dated this ——— day of ——— A. D. ———. A. B.

Subpoenas to issue for witnesses. The judge of the county court shall thereupon order the clerk of said court to issue subpoenas for the persons named as witnesses, and such other persons as he may think proper, commanding them to appear before him at the time and place specified in the subpoenas, to testify concerning the facts in the case of the person alledged to be insane. He shall also order subpoenas for six suitable persons to serve as jurors in the case, to be present at the same time and place, at least one of whom shall be a physician.

Jury.

Evidence. § 7. If, after hearing the evidence, the jury shall be satisfied of the truth of the facts set forth in the statement

aforesaid, they shall render to the judge the following verdict substantially; a copy of which, certified by the clerk, shall be forwarded to the superintendent and shall constitute the authority of the trustees for detaining the patient in the hospital:

"STATE OF ILLINOIS, ——— County, ss.

"We, the undersigned, jurors in the case of ——— (naming the person) alleged to be insane, having heard the evidence in the case, are satisfied that said ——— is insane, and is a fit person to be sent to the Illinois State Hospital for the Insane; that he is a resident of the state of Illinois and county of ———; that his age is ———; that his disease is of ——— duration; that the cause is supposed to be ——— (or is unknown); that the disease is (or is not) with him hereditary; that he is not (or is) subject to epilepsy, and that he is free from vermin or any infectious disease." (If the person be a pauper, the fact shall also be announced in the verdict.) Verdict.

§ 8. If the person be a pauper, it shall be the duty of the judge of the county court to see that he is furnished with the necessary amount of substantial clothing at the expense of the county, and his successors in office shall be held responsible in their official capacity for keeping him suitably furnished with clothes, while a patient in the hospital, and for removing him therefrom if required by the trustees to do so. Pauper.

§ 9. If the person be not a pauper, then one or more persons, relatives or friends of the patient shall, upon his admission into the hospital, become responsible to the trustees for finding the patient in clothes and removing him when required; and shall execute a bond conditioned as follows, viz: Duty of relatives

"Know all men by these presents, that we ——— and ——— of the county of ——— and state of Illinois, are held and firmly bound unto the trustees of the Illinois State Hospital for the Insane, in the sum of one hundred dollars, for the payment of which we jointly and severally bind ourselves firmly by these presents. Bond.

"The condition of this obligation is, that whereas ——— insane person of the county and state aforesaid, has been admitted as a patient into the Illinois State Hospital, for the Insane: now, therefore, if we shall find said patient in suitable and sufficient clothing whilst ——— may remain in said institution, and shall promptly pay for such articles of clothing, as it may be necessary to procure for said ——— at the hospital, and shall remove ——— from said

hospital when required by the trustees to do so, then this obligation to be void, otherwise to remain in full force.

"Witness our hands and seals, this — day of — A. D.

[SEAL.]  
[SEAL.]"

Duty of superintendent.

§ 10. Upon receiving the application the superintendent shall advise the clerk whether or not the patient can be received, and if he can be, when. The clerk shall thereupon, in due time [season] for the conveyance of the person to the hospital by the time appointed, issue his warrant to the sheriff, or any other suitable person, commanding him to arrest such insane person and convey him to the hospital; and if the clerk shall be satisfied of the necessity, he may authorize an assistant to be employed. Said warrant shall be substantially as follows:

"STATE OF ILLINOIS, County of —, ss.

Warrant to sheriff.

"You are hereby commanded forthwith to arrest — who has been declared to be insane, and convey him to the Illinois State Hospital for the Insane, (and you are hereby authorized to take to your aid an assistant if deemed necessary) and of this warrant make due return to this office after its execution. Witness my hand and seal of the — county court, this — day of — A. D. —

S. S.

—, Clerk

County Court — County."

Superintendent to indorse warrant.

Upon receiving the patient, the superintendent shall indorse upon said warrant a receipt as follows:

"Illinois State Hospital for the Insane.

"Received this — day of — A. D. — the patient named in the within warrant.

"— Superintendent."

Proviso.

"This warrant, with the receipt thereon, shall be returned to the clerk, to be filed by him with the other papers relating to the case: *Provided*, that in all cases the relatives of the insane person shall have a right to convey him to the hospital in preference to others: *And provided also*, if he be not found by the jury free from vermin and any infectious disease, it shall not be the duty of the clerk to apply for his admission as before provided, until he be so declared by the certificate of some respectable physician, which certificate shall be forwarded to the superintendent with the application.

Expense.

§ 11. The expense of conveying paupers to the hospital shall be paid by the counties in which they reside, and that of others by conservators, husbands, parents and guardians, and in no case shall any such expense be paid out of the "funds for the insane."

Compensation to sheriff.

§ 12. The compensation to the sheriff and his assistant shall be four cents each per mile, going and returning,

computing the distance by the usual route of the United States' mail, and two dollars per day for the sheriff, and one dollar per day for his assistant, for each day's necessary absence going to and returning [from] the hospital. Clothing.

§ 13. The clothing to be furnished each patient upon being sent to the hospital shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, and two pairs of pantaloons of woolen cloth, three pairs of woolen socks, a black or dark stock or cravat, a good hat or cap, and a pair of new shoes or boots, and a pair of slippers to wear within doors. For a female, in addition to the same quantity of under garments, shoes and stockings, there shall be two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a decent bonnet. Unless such clothing be delivered in good order to the superintendent, he shall not be bound to receive the patient.

Patient may be discharged.

§ 14. Any patient may be discharged from the hospital when, in the judgment of the trustees, it is necessary. Incurable and harmless cases may be discharged when necessary to make room for recent cases, as ordered by the trustees.

Notice.

§ 15. Whenever a patient shall be ordered to be discharged the superintendent shall immediately give notice thereof to the county clerk, or to the party or parties responsible in the bond for his or her removal. Said clerk shall, immediately upon reception of the notice, issue his warrant to the sheriff, commanding him to remove the patient and return him or her to the county from which he or she has been taken. If within thirty days after the notice was given the patient be not removed, the superintendent, if he think it necessary, may return the patient to the county from which he came, at the expense of the county; in case of a pauper, and of the party responsible on the bond in other cases, the amount to be that allowed sheriffs in section thirteen, and recoverable by the trustees, with costs of suit, by proceedings in any court of competent jurisdiction.

Application of non-resident.

§ 16. Whenever application shall be made for a patient not residing within the state, if the superintendent shall be of opinion that from the character of the case it is probably curable, and if there be at the time room to spare in the hospital, the trustees, in their discretion, may order the patient to be admitted, always taking a satisfactory bond for the maintenance of the patient, the rate of which the trustees shall fix, requiring two months' pay in advance, and for his or her removal, when required. Bond.

Idiots.

§ 17. No idiot shall be admitted into the hospital, and every such case shall be discharged, the trustees and superintendent having the right to decide what cases are idiotic.

§ 18. This act shall be in force from and after its passage, and all acts and parts of acts coming in conflict with provisions of this act are hereby repealed.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to amend an act entitled "An act to provide for the sale of property in White county," approved Feb. 27, 1847.

Act repealed. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the fourth section of the act to which this is an amendment, as refers to the Carmi Mill property, be and the same is hereby repealed: *Provided*, the purchaser of said Carmi Mill property under said act, and his assigns, shall forever maintain and keep in and attached to the mill-dam of said property a good and sufficient slope, to facilitate the passage of boats—such slope to be not less than fifty-two feet long; to be thirty feet wide in the clear; to be of sufficient hewed timber, and to be planked up at the sides at least four feet; the fall in said slope to be one inch to the foot: *And provided further*, that should the state, or any company or persons acting under the authority of the legislature, wish to improve the navigation of the Little Wabash River, by the erection of a lock and dam at said Carmi Mill property, then the state, or company acting under such authority, shall have full power and authority to make such improvement in or near said dam on said property, without any let or hindrance from, or paying any compensation or damages to the occupant or proprietor of said property, or any part thereof: *Provided*, that the water power of said occupant or proprietor shall not be permanently injured or lessened.

Provido. *Provided further*.

§ 2. This act shall not take effect or be in force until the county courts of Wayne and Clay counties approve of the same, by entering up an order on the county record of each of the said counties to that effect.

To take effect.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to amend the school law in relation to the examination and qualification of teachers.

SCHOOL COMMISSIONERS TO EXAMINE TEACHERS. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That each and every school commissioner shall, by himself, or with



such other person or persons as he shall associate with him, upon application, examine all persons proposing to teach a common school in his township, in relation to his or her moral character, and touching his or her qualifications properly to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography and the history of the United States; and if he shall find such person of good moral character and properly qualified to teach all the aforesaid branches, he shall give such person a certificate of qualification, which certificate shall be good and valid in said county for one year from the date thereof: *Provided*, that the directors of any school district may, under their hands as directors, request the school commissioners of their respective counties to examine any teacher, proposing to teach a common school in their district, upon any of the above specified branches, and to give a certificate of qualification to teach the branches specified in said request, if such teachers shall be found qualified to teach such branches; which certificate, when given, shall be as good and valid, to all intents and purposes, in the district of such director, as if such teacher had received the proper certificate of all said seven branches.

§ 2. That all laws and parts of laws coming in conflict with the preceding section are hereby repealed.

§ 3. This act to be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to provide for the draining and reclamation of certain lands in Mason county. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That in addition to the taxes already imposed by law, there be levied and collected, as are other state and county taxes, an additional tax of fifty cents on each one hundred dollars' worth of property, as per the assessment of the county assessor of Mason county, for the year A. D. 1853, upon the lands herein designated and described; and for the purpose of carrying out the provisions of this act, the county clerk of said county is hereby authorized and required to add on to the assessment of said lands, in a separate column, the tax hereby imposed, and the provisions of the laws of this state for the collection of revenue are hereby so extended as to authorize and require the collector aforesaid to collect under the provisions of said law as other taxes, the tax hereby imposed upon the following lands, to wit: Sections five, six,

seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine and thirty, in town twenty, range eight, west of the third principal meridian. Also, sections one, twelve, thirteen, twenty-four and twenty-five, in town twenty, range nine, west of the third principal meridian. Also, sections twenty-nine, thirty, thirty-one and thirty-two, in town twenty-one, range eight, west of the third principal meridian. Also, sections twenty-five and thirty-six, in town twenty-one, range nine, west of the third principal meridian, all in Mason county.

Commissioners.

§ 2. For the purpose of carrying out the provisions of this act, James M. Ruggles, James P. Robertson and Algeron E. Field are hereby appointed commissioners, whose duty it shall be to receive from the collectors the taxes hereby imposed, and to apply the same to the draining and reclaiming of the lands hereinbefore described. The said commissioners are hereby required to make and execute a bond to the county clerk, for the use of the county of Mason, for the full amount of the assessment aforesaid, conditioned that they will faithfully discharge their duties as commissisoners in receiving the taxes collected under this act, and applying the same to the ditching, draining and reclaiming of said lands; which work shall be disposed of by public letting to the lowest bidder, after giving four weeks' printed public notice in said county, and the collector aforesaid is hereby required to pay over, as often as once a month, all taxes collected under this act, until the whole shall have been paid; and he is hereby authorized to receive in payment of said special tax any receipt given by said commissioners to any person for the payment in whole or in part of their said special tax. For a failure on the part of said commissioners to perform their duty under this act, they shall forfeit and pay the amount of the bond above stipulated into the county treasury.

Give public notice.

Proceeds to be applied.

§ 3. The proceeds of the sales of all swamp or overflowed lands lying within the limits of the lands herein described, whether sold or unsold, are hereby appropriated for the purposes above named; and the county court of Mason county is hereby authorized and required to pay over to the aforesaid commissioners said proceeds when obtained, to be expended in reclaiming said lands, as herein provided.

APPROVED February 12, 1853.

AN ACT to authorize the county court of Edgar county to pay Samuel A. Lodge for services rendered. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Edgar county be and hereby is authorized to settle with and pay Samuel A. Lodge any sum that they may think right and just for services rendered by the said Samuel A. Lodge in surveying the swamp lands in said county of Edgar. County court authorized to settle with Samuel A. Lodge.

§ 2. That the county court of Schuyler county be allowed the same privilege, to settle with and pay the persons engaged in surveying the swamp lands in said county a reasonable compensation for their services. Schuyler county.

APPROVED February 12, 1853.

AN ACT to provide for draining the wet lands of the proprietors of the common field of Prairie du Rocher, in Randolph county. In force Feb. 9, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Leon Vion, Antoine Albert and Felix Mudd be and they are hereby appointed commissioners to lay out and superintend the construction of such ditches, embankments or roads as may be necessary for draining the wet lands situate, lying and being in the common field of Prairie du Rocher, in the county of Randolph, extending from survey number one, claim number six hundred and sixty-five to survey number thirty-six, both included. Commissioners.

§ 2. The said commissioners are hereby vested with full power and discretion to determine the number, dimensions and direction of such ditches, roads and embankments, and so far as it is practicable, they shall follow the lines dividing each survey and claim, but where the natural inclination of the land may require a different direction, they shall be at liberty to depart from the sectional or dividing lines of survey, and follow the course indicated by the natural inclination of the land, or such other course as shall best answer the purpose intended by this act. Powers.

§ 3. The expenses of constructing said ditches, roads and embankments, together with all the cost incurred on account thereof, shall be assessed upon the lands benefitted thereby, and the said commissioners are hereby empowered to assess the cost proportionably on the lands which they shall deem benefitted by the construction of said ditches, roads and embankments, as nearly as may be. The commissioners shall describe on an assessment list to Expenses—how paid.  
Commissioners to prepare assessment list.

be made by them, the lands on which they may make assessments, and the amounts of said assessments, which assessment list they shall deliver over for collection to the sheriff of Randolph county, who is hereby authorized and directed to collect the same. And the said assessment list or a copy of it duly certified, under the hands and seals of the commissioners, shall be a sufficient warrant to the sheriff to authorize him to collect the said assessments.

Assessment to be  
a lien.

Refusal or neg-  
lect to pay.

Duty of sheriff.

Judgment against  
lands.

Special execution

Assessments cor-  
rected.

Special commis-  
sioners.

Advertisement.

Compensation to  
sheriff.

Sheriff to make  
deed.

§ 4. The said assessments shall be a lien upon the lands upon which they are made until paid; and in case of refusal or neglect on the part of the owner or occupant of said lands to pay such assessment, it shall be the duty of the sheriff to publish an advertisement in some newspaper published in the county, of his intention to apply to the county court of Randolph county, by petition, for judgment against the said lands, particularly describing them. And the county court of Randolph county is hereby vested with jurisdiction to take cognizance of said petition, and if upon examination it shall appear that the said lands are chargeable with said assessments, and that said assessments are not illegal, the said court shall proceed to render judgment against each piece or parcel of land mentioned in the petition, for the amount of the assessment made upon it, together with costs, and shall direct a special execution to issue upon said judgment against the same, directed to the sheriff of Randolph county, to be by him levied and collected. Objections to the assessments may be made at any time before final judgment, and if, upon the hearing of said objections, the judge shall regard any portion of said assessments as being unjust or illegal, he shall proceed to correct them, or, at his option, refer the matter back to three special commissioners, to be appointed by him, to correct the errors of the first assessment.

§ 5. The advertisement mentioned in the preceding section, shall be made in the newspaper supposed to have the largest circulation in the county, or if none, in the nearest county where such paper is published, at least once in each week for four weeks previous to the next term of of the county court of Randolph county, and the compensation of the sheriff, for the services required of him in this proceeding, shall be the same as that to which he is now entitled for the collection of state and county taxes.

§ 6. Lands sold under the provisions of this act may be redeemed from such sale, within the same time, and upon the same terms, that are now provided by law in the case of lands sold for state and county taxes, but if no legal redemption is made from such sale, the sheriff of Randolph county shall make a deed for said lands to the purchaser or purchasers thereof, his or their heirs or assigns, upon the return of the certificate or certificates of purchase.

§ 7. Persons owning lands along any of said ditches, roads, or embankments, and contiguous thereto, shall be permitted by the commissioners to pay their assessments in labor, under the supervision, and in accordance with the plans and directions of the commissioners, provided they will perform such work as cheaply as others can be employed to do the same. Assessments to be paid in labor.

§ 8. Whenever any of the aforementioned commissioners shall die or resign his office, or remove from the county, the judge of the county court of said county shall appoint a competent person, residing in the precinct of Prairie du Rocher, to fill the vacancy thereby created. Vacancies, how filled.

§ 9. The commissioners appointed by this act shall receive a compensation of one dollar per day for every day they may be necessarily employed upon said work, and they may employ a surveyor, when necessary, to assist them in the location of any ditch, road or embankment, at a rate of compensation not to exceed two dollars per day, together with the necessary assistants and laborers; all of which charges shall be deemed part of the necessary expenses of said work. Compensation.  
Employ surveyor  
Compensation.

§ 10. This act to be in force from and after its passage.  
APPROVED February 9, 1853.

AN ACT to incorporate the committee to aid in the erection of church edifices. In force Feb. 12, 1853.

Whereas there are benevolent persons desirous to create a fund to aid in the erection of church edifices in new communities in northern Illinois and southern Wisconsin, which are unable in whole to erect the same; and whereas it is desirable to invest the said fund in a corporate body, that the same may be more securely managed and remain in perpetuity; therefore, Preamble.

SECTION I. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Robert W. Anderson, Harvey Curtiss, George W. Gate, William H. Spencer, Shubael Spees, William H. Brown, Sylvester Lind and Nathaniel Norton be and they are hereby constituted a body corporate and politic, by the name and style of "The Committee to aid in the Erection of Church Edifices," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become Corporators.  
Name and style.  
Powers.



necessary for the furtherance and advancement of the purpose of said incorporation, as fully and completely as a natural person might or could do.

Officers.

§ 2. The officers of said corporation shall be a president, treasurer and secretary, to be chosen by the said corporation from among themselves, to hold their said offices respectively for one year, and until their successors are duly elected and qualified, and shall give such bonds or other securities for the faithful performance of the duties of their respective offices as the said corporation shall require.

Give bonds.

May hold real estate.

§ 3. The said corporation may receive, take and hold, as well by gift, purchase, deed, devise or bequest, or otherwise, any real or personal estate for the uses and purposes herein contemplated, not exceeding the sum of twenty-five thousand dollars, whether the same be purchased by, or deeded to, or given, devised, bequeathed or conveyed directly to said corporation, or to its officers or otherwise, for the use of said corporation.

By-laws.

§ 4. The said corporation shall have power to make by-laws, rules and regulations not inconsistent with this act, for donating or loaning any of the funds belonging to said corporation, for the erection of church edifices only, and in the latter case may demand and receive such securities as may be agreed upon to secure the due return of any loans so made by the said corporation, for the purposes in this act contemplated.

Vacancies filled

§ 5. In case of the death or resignation of any of the persons herein named, such vacancy or vacancies shall be filled by the ministers and elders composing the synod of —, for the time being, at their regular annual meeting. And every other vacancy or vacancies, happening at any time during the continuance of this corporation, shall, from time to time, be filled as aforesaid; and the person or persons so appointed as aforesaid, shall hold and enjoy the same privileges as are conferred upon the persons now incorporated by this act.

APPROVED Feb. 12, 1853.

In force Feb. 8, 1853. AN ACT to amend an act entitled "An act to authorize the town of Oquawka to subscribe to the capital stock of certain corporations therein named."

Special tax.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the town of Oquawka, by its president and trustees, be and is hereby fully authorized and empowered to levy and collect a tax off of and from the real estate situated within the

corporate limits of said town, which are hereby declared to extend one mile each way from the court house in said town, except on the side of said town bounded by the Mississippi river, to any amount not exceeding ten thousand dollars; which said tax when so collected shall be applied to the construction of the Oquawka and Washington plank road and ferry, opposite the said town of Oquawka, by and under the control of the president and directors of said plank road company.

Proceeds to be applied.

§ 2. When any person shall present to the said president and directors of said plank road company the sum of fifty dollars in such tax receipts so paid, the person so presenting the same shall be entitled to one share of the capital stock of said plank road company, and shall receive a certificate therefor.

Persons entitled to stock.

§ 3. All tax receipts taken for taxes herein provided for, are hereby declared to be personal property and made transferable by indorsement thereon, by the holder or holders of the same: *Provided*, that this act and every thing herein contained, shall be submitted to a vote of the free holders residing within the corporate limits of the said town of Oquawka, and if a majority of such voters shall cast their votes against this act, then and in that case this act and all things therein contained shall and are hereby declared to be inoperative and void, but if a majority of such votes so cast shall be in favor of the adoption of this act, then the same shall be in full force and operation from the time such vote shall be so taken. The taxes herein provided for shall be collected by the sheriff for the time being of Henderson county, under the same restrictions and powers as the state and county revenue is now collected by the laws of this state.

Personal property

Proviso.

Taxes, how collected.

§ 4. The assessment herein provided for shall be made on the assessment for state and county purposes for the year A. D. one thousand eight hundred and fifty-three.

Assessment.

§ 5. The president and trustees of the said town of Oquawka shall, upon request of any five free holders residing within the said town, made in writing, immediately give notice of the time and place of said election, by publishing said notice in the newspapers printed in said town and by posting up at least ten written or printed notices thereof; which said notices shall be given for at least twenty days before said election. The said president and trustees shall appear at the time of said election and act as inspectors thereof, under such order as the said board may make

Notice of election

Notice to be given.

APPROVED February 8, 1853.

In force Feb. 12, 1853. AN ACT to prohibit the killing of certain wild game in certain counties therein named, at certain seasons of the year.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be unlawful for any person to kill any deer, fawn, prairie hen or chicken, quail, woodcock or wood partridge between the first day of January and the twentieth day of July of each year, in the counties of Lake, McHenry, Boone, Winnebago, Ogle, De Kalb, Kane, Du Page, Cook, Will, Kendall, La Salle, Grundy, Stephenson and Sangamon.

Unlawful to kill game.

Violation, how punished.

§ 2. Any person who shall wilfully violate any of the provisions of this act, shall forfeit and pay a fine of fifteen dollars for each deer or fawn so wilfully killed, and for all other wild animals above enumerated, the sum of five dollars for each so unlawfully killed, to be sued for and recovered before any justice of the peace, in an action of debt, or before any court having jurisdiction thereof, one half of which penalty shall go to the complainant, and the other half to the county treasury; the action to be brought in the name of the county where such offence shall be committed.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT in regard to indexes of records, of deeds, mortgages, and other instruments.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all the counties of this state when the indexes to records of deeds, mortgages and other instruments in the recorder's office have not been made in accordance with chapter eighty-seven of the Revised Statutes, or the first section of an act amendatory thereof, approved March first, 1847, or in any county wherein the indexes have been so imperfectly and defectively done, that in the opinion of the county court or board of supervisors of any such county, new indexes should be made, that in any such case said court are hereby authorized and required to enter an order on their records, stating that new indexes should be made, and on the entry of any such order it shall be the duty of the recorder of any such county to cause an index to be made in accordance with the provisions of the act amendatory of chapter eighty-seven of the Revised Statutes, ap-

Duty of county court.

proved March first, 1847, and for which index he shall be allowed the same compensation as is by said act of first Compensation; March, 1847, allowed.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT concerning the descent of property in this state.

In force Feb. 12,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the rule of descent of all property, of whatsoever kind or nature, real and personal, of any bastard or illegitimate person dying intestate in this state, or leaving property and effects therein, shall be as follows, to wit: On the death of any such person intestate, his or her property, estate and effects shall descend to and vest in the widow or surviving husband and children, as the property and effects of other persons in like cases. In case of the death of any such illegitimate person, leaving no children or descendant of a child or children, then the whole property and estate, rights, credits and effects shall descend to and vest in the widow or surviving husband. In case of the death of any such illegitimate person, leaving no widow, surviving husband or descendants, then the property and estate of such person shall descend to and vest in the mother and her children and their descendants, to the mother one-half, and the other half to be equally divided between her children and their descendants, the descendants of a child, taking the share of their deceased parent or ancestor. In case of the death of any such illegitimate person, leaving no heirs as above provided, then the property and effects, of whatsoever kind or nature, shall pass to and vest in the next of kin to the mother of such illegitimate person, in the same manner as the estate of a legitimate person would by the laws now in force pass to the next of kin.

Descent of property.

§ 2. No property of any illegitimate person hereafter dying intestate in this state shall escheat to the state, except in default of heirs as in this act provided.

APPROVED February 12, 1853.

In force Feb. 12,  
1853.

# AN ACT to amend the revenue laws of this state.

Preamble.

Whereas doubts have arisen as to whether the sheriff or treasurer of counties that are organized under the township organization law should execute deeds for lands sold for taxes in said counties: and whereas, deeds for lands sold for taxes in said counties: and whereas deeds for lands sold for taxes have been executed some times by sheriff, and some times by county treasurer; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all deeds heretofore executed by any sheriff or county treasurer of the proper county for lands sold for taxes in counties that have adopted the township organization shall be as valid and effectual to pass the title to such land as if the same had been made by the proper officer.

§ 2. In all cases where lands have heretofore been, or may hereafter be sold in counties organized under the township organization law, and deeds have not been made to the purchasers thereof, such deeds shall be made by the sheriff of the proper county at the time when by law such deeds should be made.

APPROVED February 12, 1853.

Sheriff to make  
deeds.

In force Feb. 10, 1853. AN ACT to amend section six of chapter one hundred and eight of the Revised Statutes of the state of Illinois, approved March 3d, A. D. 1845.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section six in the one hundredth and eighth chapter of the revised laws of the state of Illinois be so amended that in addition to the grains therein mentioned, and for which weights and measures are therein provided, the following grains shall be added thereunto, and the bushel, when no special agreement shall be made between the parties, shall consist of the number of pounds as follows, to wit: field beans, fifty-six pounds; castor beans, forty-six pounds; cloverseed, sixty pounds; flax seed, fifty-four pounds; timothy, forty-two pounds; hemp seed, forty pounds; stone coal, eighty pounds.

§ 2. This act shall take effect and be in force from and after the first day of April, A. D., 1853.

APPROVED February 10, 1853.



AN ACT conferring additional powers and jurisdiction on the county courts. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in addition to the powers and jurisdiction vested in the county courts by the thirteenth section of the act entitled an act establishing county courts and providing for the election of justices of the peace and constables, and for other purposes, in all counties wherein township organization has been or may hereafter be adopted and in force, the said court shall have power to issue writs of *ad quod damnum*, and is hereby vested with jurisdiction over all proceedings had therein; which proceedings shall be had in manner and form and in accordance with the provisions of the seventy-first chapter of the Revised Statutes of 1845, and the orders and judgments of said court therein made shall have the same force and effect as the orders and judgments of the county courts in like cases in counties where township organization has not been adopted.

Additional powers.

§ 2. Said writ may be issued and proceedings had at any regular term of said court holden for probate or county purposes. Writ issued.

§ 3. This act to take effect from and after its passage.  
APPROVED February 11, 1853.

AN ACT to amend section six, chapter seventy-seven, of the Revised Statutes, In force Feb. 12, 1853.  
entitled "Officers."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section six of chapter seventy-seven of the Revised Statutes be so amended as to read "that all clerks of courts of record in this state may appoint deputies, who shall severally take an oath for the faithful discharge of the duties of their offices, and for whose conduct the principal clerk shall in all cases be responsible,"

§ 2. This act to take effect from and after its passage.  
APPROVED February 12, 1853.

AN ACT to regulate appeals in certain cases.

In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where administrators or executors may hereafter de-

sire to prosecute an appeal from the judgment, decree, or order of any court or justice of the peace to the circuit or supreme court, or where they [may] prosecute writs of error or *certiorari*, the appeal, *certiorari*, or supersedeas bond, shall be conditioned to pay the judgment or decree, with costs, in due course of administration; in all other respects said bonds shall be in the form prescribed by law in other cases.

§ 2. This act to be in force from and after its passage.  
APPROVED February 8, 1853.

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In force Feb. 8, 1853. AN ACT to amend chapter eighty-three, [Revised Statutes,] entitled "Practice."

Process, how served.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where suit has been or may hereafter be brought against any incorporated company, process shall be served upon the president of such company, if he reside in the county in which suit is brought, and if such president be absent from the county, or does not reside in the county, then the summons shall be served by the proper officer by leaving a copy thereof with any clerk, cashier, secretary, engineer, conductor or any agent of such company found in the county, at least five days before the trial, if suit be brought before a justice of the peace, and at least ten days [when] suit is brought in the circuit court.

§ 2. This act to take effect from and after its passage.  
APPROVED February 8, 1853.

In force Feb. 12, 1853.

AN ACT in relation to committals to jail upon writs of *ca. sa.*

Creditor to pay jail fees.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where any person shall be committed to the jail of any county upon any writ of *capias ad respondendum*, or *capias ad satisfaciendum*, issued in a civil suit, it shall be the duty of the creditor in such writ to pay the keeper of the jail the fees of the jailor or sheriff for receiving the same, and his board for one week at the time the debtor shall be committed to such jail, and before the jailor shall be bound to receive the debtor, and in default of such payment, such debtor may be discharged from arrest: *Provided,*

Proviso.

that the officer having such debtor in charge shall give reasonable notice to the creditor or his attorney that such debtor is about to be committed to jail on such writ.

§ 2. Should such debtor be detained in jail under such writ for more than one week, it shall be the duty of such creditor at the commencement of each week to advance and pay to such jailor or sheriff the board of such debtor for each succeeding week that such debtor may be detained in such jail, and in default of such payment in advance, said debtor may be discharged by such jailor or sheriff: *Provided*, that in case such debtor shall not be detained in such jail for any week for which his board may have been paid in advance, the sheriff or jailor shall return to such creditor or his attorney the amount so advanced for and unexhausted in boarding. The discharge of any debtor under the provisions of this act shall be no discharge or satisfaction of the debt, damages or costs named in any such writ; but the same shall be in full force against the property and effects of said debtor.

Creditor to advance jail fees.

Proviso.

§ 3. The amount paid by any creditor under the provisions of this act to the jailor or sheriff shall be indorsed by the same on the writ, and shall be charged against and collected of the debtor as part of the costs in the suit in which such writ issued, in the same manner as the debt, damages, and other costs named in such writ.

Amount to be indorsed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to increase the compensation of grand and petit jurors.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That there shall be allowed and paid to grand and petit jurors, for their services in attending circuit courts of the several counties in this state, the sum of one dollar and fifty cents per day for every day necessary in attending courts as aforesaid as such jurors, and also the same mileage now allowed by law, and such additional compensation as the county courts and boards of supervisors of the several counties, by annual order entered upon their records, may think proper to allow.

Compensation increased.

§ 2. This act shall take effect and be in force from and after its passage, and all laws in conflict with this act be and the same is hereby repealed.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT regulating the assessment and collection of certain taxes omitted in former assessments.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all

Duty of auditor.

cases where any tax for state or special purposes has been omitted to be levied and collected in any county in this state, the auditor shall charge said county with the amount of such tax, together with six per cent. interest thereon, from the time such tax should have been paid, and shall notify the collector thereof, stating the amount so charged; and it shall be the duty of said collector to pay the same into the treasury when he pays the state tax for the year A. D. 1853.

Collector.

Authorized to levy and collect tax.

Proviso.

§ 2. The counties failing to levy and collect taxes as aforesaid are hereby authorized and empowered to levy and collect an amount of tax equal to the sum that they are required by this act to pay into the state treasury: *Provided*, that if such taxes have been levied on the assessment for the year 1852, then such tax shall be paid over by the collector when he settles for the taxes of said year 1852; and in all cases when such tax has been advanced and paid into the state treasury by the collector, the auditor shall direct the amount so advanced, and the interest thereon, [to] be refunded and paid to the collector who may have advanced and paid the same.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 10, 1853.

AN ACT in relation to certain records.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the clerk of the circuit court of Clark county be required to make out and keep a judgment docket of all judgments rendered in said court prior to the time of his taking charge of the said office of clerk, or which had not prior to that time been so docketed.

Clerk of county court to keep judgment docket.

Clerk to keep execution docket.

§ 2. Said clerk shall in like manner make and keep an execution docket of all executions, and the returns thereon, issued by the predecessors in office of the said clerk, or which had not been docketed, as required by law, prior to the said clerk taking charge of said office.

§ 3. The county court of said county of Clark shall pay Compensation. the said clerk the sum of eight cents for each judgment or execution so docketed as aforesaid.

§ 4. This act to be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to authorize the town of Metropolis, in Massac county, to grant In force Feb. 10, 1853. certain lots therein named.

Whereas the proprietors of the town of Metropolis, in Mas- Preamble. sac county, have heretofore conveyed, for the use of said town, certain lots therein, known as lots No. 407 and 408, in block No. 33; and whereas a majority of the legal voters thereof have petitioned for a grant of said lots by the trustees of said town to the trustees of the Methodist Episcopal Church, for the purpose of erecting thereon a house of public worship; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Trustees to convey certain lots. trustees of the said town be and they are hereby authorized and empowered to convey, by deed, in fee simple or otherwise, the said lots No. 407 and 408, in block 33, in said town, to the said trustees of the Methodist Episcopal Church, and to their successors in office, for the purpose of erecting thereon a house of public worship; and such conveyance, when made, shall be good and valid for the purposes therein specified.

This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to provide for the support of paupers in Bureau and McHenry In force Feb. 10, 1853. counties.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the several townships in the counties of Bureau and McHenry be and they are hereby empowered to support all paupers residing within their respective limits out of the treasury thereof: *Provided,* that at the next election for township officers, to be held in the several townships in said county on the first Tuesday of April next, a majority of the legal voters of said county, voting at said election, shall vote in Counties of Bureau and McHenry to support paupers. Provided.



favor of such separate township support; which vote shall be by ballot, written or printed, or partly written or partly printed, for "township support" or "against township support;" which shall be canvassed and returned in the same manner as in cases of elections for county officers.

**Duty of county clerk.** § 2. It shall be the duty of the clerk of the county court of said counties to give notice of the said election in the same manner as is provided for giving notices of general elections.

**Separate townships.** § 3. That in case separate township support shall be adopted in said county agreeably to the provisions of the first section of this act, then the overseers of the poor of the several townships aforesaid shall take charge of, maintain and support the poor of their respective townships in manner as is now or may hereafter be provided by law; and all expenses incurred for such maintenance and support, shall be considered a township charge, and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular meeting thereof, a true account of all expenditures incurred under the provisions of this act, which shall be audited and paid.

**Accounts.** § 4. That the provisions of section fourteen, fifteen and sixteen, of chapter eighty, of the Revised Statutes, entitled "Paupers," shall apply to and operate as between the several townships of said county, in the same manner as they do between the several counties of this state; and if any person shall become chargeable in any township in said county who has not resided in said county thirty days, then the overseers of the poor having such pauper in charge shall give notice thereof to the county clerk of said counties, whose duty it shall be to give notice thereof to the authorities of the proper county as in other cases; and the expenses of taking care of such pauper, when received from such foreign county, shall be paid into the treasury of the proper township. This act to take effect from and after its passage.

**Notice.**

**Provision of statute to apply.**

APPROVED February 10, 1853.

**In force Feb. 12, 1853.** AN ACT to extend the jurisdiction of the county court of Lake county.

**Jurisdiction extended.**

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the jurisdiction of the county court of Lake county is hereby so extended that said court shall have concurrent jurisdiction with the circuit courts of this state, of all matters and suits

at common law or by statute, except actions of ejectment within said county, where the amount in controversy shall not exceed five hundred dollars, and shall have exclusive jurisdiction of all misdemeanors, punishable by fine only, not exceeding one hundred dollars.

§ 2. The process of said court shall be issued and executed in the same manner as the process of the circuit courts, and the rules, proceedings and practice, not herein otherwise provided for, shall conform, as near as may be, to the rules, proceedings and practice of the circuit courts of this state, and all orders and judgments of said court shall have the same lien upon real and personal estate, and shall be enforced and collected in the same manner, as orders and judgments rendered or made in the circuit courts of this state.

Process.

Judgment to be lien.

§ 3. Appeals and writs of error may be prosecuted from all final orders and judgments of said court to the circuit court of said county (except in cases of judgments confessed,) in the same manner as appeals and writs of error are prosecuted from the circuit courts of this state to the supreme court, but no writ of error shall be granted unless the same shall be applied for within six months after the rendition of the order or judgment complained of.

Appeals and writs of error.

§ 4. The proceedings and practice in taking and prosecuting such appeals and writs of error, shall be the same as are provided in cases of appeals and writs of error from the circuit courts to the supreme court of this state, excepting that the writs of error shall be allowed by the judge of said circuit court; and in hearing and rendering judgments upon said appealed cases and cases in error, said circuit court shall be governed by the same rules as the supreme court upon the trial of appeals and writs of error: *Provided*, that in all appeals from said court to the said circuit court, the appellant shall lodge in the office of the clerk of the circuit court an authenticated copy of the record in said cause on or before the first day of the next term of said circuit court.

Appeals and writs of error prosecuted same as in circuit courts.

Except.

Provido.

§ 5. All appeals from decisions of justices of the peace of said court shall be taken to said county court: *Provided*, that when a term of the circuit court of said county shall intervene between the taking of any such appeal and the next term of said county court, it shall be optional with the appellant to take his appeal either to said circuit or county court.

Appeals.

Provido.

§ 6. There shall be four terms of said court held in each year for the transaction of the business, with the jurisdiction whereof it is hereby vested, and also such other business as said court is by law authorized to transact; which said terms shall commence on the second Mondays of April, July and October, and on the fourth Monday of

Number of terms.

Terms to commence.

January in each year, and each term shall continue until all the business before the same is disposed of—said terms to be held at Waukegan, in said county, in a building to be provided by the board of supervisors of said county; but no terms hereby provided for shall be held to change the regular terms of said court now provided by law.

Power of judge.

§ 7. The judge of said court shall have power to prescribe, by rules to be entered upon its records, the manner in which judgments by confession and default may be entered in vacation, and all judgments entered in pursuance of such rules shall take effect from the time of such entry, and have the same force and effect as if they had been entered in term time.

Grand and petit jurors.

§ 8. The grand and petit jurors of said court shall be selected by the board of supervisors of said county in the manner provided by law for the selection of jurors for the circuit courts, and shall possess the same qualifications and be liable to the same penalties and punishments, have the same benefit of the same excuses and exemptions, shall take the same oaths and possess the same powers, and be governed in all their proceedings in the same manner as is prescribed, allowed and imposed in the case of jurors in the circuit courts.

Fees and compensation.

§ 9. The clerk, jurors, sheriff and other officers of said court, shall receive the several fees and compensations that now are or hereafter may be allowed for similar services in the circuit courts of this state, to be received, collected and paid in like manner as such fees now or hereafter shall be.

Shall pay to clerk before process issues.

§ 10. Upon the commencement of every suit in said court, the plaintiff in such suit, before the process shall be issued; shall pay to the clerk of said court the sum of two dollars; and upon the taking of each appeal from the decision of a justice of the peace, whether bond be filed with the justice of the peace or the clerk of the said court, the sum of one dollar shall be first paid by the party taking such appeal, before the same shall be allowed; and before any judgment shall be entered by confession, if the amount of said judgment shall be for a sum less than fifty dollars, there shall be paid to the clerk the sum of seventy-five cents; if the judgment shall be for a sum exceeding fifty dollars and not more than one hundred dollars, there shall be paid to said clerk the sum of two dollars; and if the amount of said judgment shall exceed one hundred dollars and not more than three hundred dollars, there shall be paid to said clerk the sum of three dollars; and if the amount of said judgment shall exceed three hundred dollars, there shall be paid to the said clerk the sum of four dollars—which sums so paid shall be by the clerk of said court paid over to the judge thereof, at the expiration of each quarter du-

ring each year, and it shall be the duty of each justice of the peace to make out and furnish to the judge of said court, on the first day of each term, a list of all appeals granted by said justice of the peace to said court, and shall, at the same time, pay over to said judge all sums of money received by him in granting such appeals.

Furnish list of appeals.

§ 11. Said county court shall also have exclusive jurisdiction of all applications for writs of *ad quod damnum*, under the provisions of chapter eighty-one of the Revised Statutes of this state. Petitions of guardians to sell real estate of wards, and also of petitions for partition of real estate held by joint tenants or tenants in common, and upon the filing of said petitions or applications, and also upon the petitions of all executors or administrators for leave to sell real estate of deceased persons, the person filing the same shall pay to the clerk the sum of one dollar and fifty cents; and also upon the issuing of all letters of guardianship, letters testamentary and of administration, and of all citations and attachments in probate business, the person applying therefor shall pay to the clerk the sum of fifty cents; all of which sums, so paid to said clerk, shall be paid over to the judge of said court at the expiration of each quarter during each year.

Exclusive jurisdiction.

§ 12. The amount required by the tenth and eleventh sections of this act to be paid to the clerk of said county court upon the commencement of suit, confession of judgment, taking of appeal, filing of petition or application, or issuing of writs or letters, shall be taxed as costs in such proceeding or suit, and collected against the losing party, as other costs are.

Taxed as costs.

This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to define and settle permanently the line separating the counties of Hamilton and Saline and the counties of White and Gallatin.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the section line running east and west through the centre of township seven south, in range five, six, seven, eight, nine and ten, east of the third principal meridian, shall constitute and stand for the county line dividing said counties, for revenue and all other purposes. Said line shall commence at the southwest corner of section eighteen, in town-

Boundary line for revenue purposes.

ship seven south, in range five east, and shall run thence due east along and with the section line to the little Wabash river.

§ 2. This act shall be in force from and after its passage.

APPROVED February 10, 1853.

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In force Feb. 10, 1853. AN ACT to repeal a portion of an act entitled "An act to relocate certain portions of state roads therein named."

State road established.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of section first of an act entitled "An act to relocate certain portions of state roads therein named," approved June 23, 1852, as can be so construed as to vacate that portion of a state road leading from the northeast corner of section seven (7,) township No. thirty-four north, range one, east of the third principal meridian, to the city of La-Salle, be and the same is hereby repealed, and the said road is hereby revived and continued in full force and effect.

§ 2. This act to take effect from and after its passage.

APPROVED February 10, 1853.

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In force Feb. 10, 1853. AN ACT to change a portion of a state road from Rushville to Carthage.

Location of state road changed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state road leading from Rushville to Carthage be so changed as that from the centre of the public square in the town of Plymouth said road shall run due north until it strikes the township line, thence west until it connects with the road as now located, and that so much of the existing road as is affected hereby be declared vacant.

§ 2. This act to take effect from and after its passage.

APPROVED February 10, 1853.



AN ACT to relocate a part of the state road leading from Farmington, in Illinois, to Burlington, in Iowa. In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Peter Butler and Truman Eldridge, of Warren county, and R. W. Ritchey, of Henderson county, be and they are hereby appointed commissioners to view and relocate that portion of the state road leading from Farmington, Illinois, to Burlington, Iowa, contained within the following boundaries, as follows, to wit: Commencing at the northeast corner of the southwest quarter of section No. seven (7,) township No. nine (9 ) north, of range No. three (3) west; thence running north of west until it strikes the southeast corner of Frederick Davidson's meadow, on the northeast quarter of section No. 12, township 9 N., 4 W.; thence south of the house of said Davidson, to the northwest corner of said northeast quarter of section No. 12; thence due north one half mile; thence due west one mile; thence north one half mile, to the township line between townships 9 and 10 north, 4 west; thence west, on the township line, to the southwest corner of the southeast quarter of section No. 32, township No. 10 north, range 4 west; thence in a southwest direction until it intersects the old road. Commissioners.  
Boundaries.

§ 2. That the several commissioners named in this act may proceed on or at any time after the first Monday of March next, to view and relocate that part of the state road herein named, and shall be allowed a fair compensation for their services, out of the county treasury of the county wherein they may respectively reside. To view and relocate.  
Compensation.

§ 3. This bill [act] to be in force from and after its passage.

APPROVED February 14, 1853.

AN ACT to relocate a certain state road therein named.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Devet Higgins, William T. Reed and James Hadley be and they are hereby appointed commissioners to relocate so much of the state road leading from Springfield to Ottawa as runs through Alfred Phillips' land, it being the northeast quarter of section number two, town twenty-five north, of range three, west of the third principal meridian, in Tazewell county: starting on said road east of said Phillips' house, and running a northeasterly direction so as to strike the Commissioners.

county road leading from Washington to Mackinawtown, northeast of a pond that is on or near a line dividing the north and south half of said quarter section; thence running north, on the line between said Phillips and Thomas Cooper, to or near the Jefferson school house lot; thence northwesterly so as to strike the said state road at Peter Strape's lane.

To meet.

§ 2. The said commissioners, or a majority of them, appointed to relocate the part of the road in this act named, shall meet on or before the first Saturday in April next, or as soon thereafter as possible, at the house of Alfred Phillips, in Tazewell county, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act.

Take oath.

Make plat.

§ 3. When the commissioners shall have reviewed the said grounds, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated and lay the said plat before the board of supervisors of Tazewell county, as soon as practicable after the completion of the same; and the road so relocated is hereby declared the state road.

Plat to be evidence.

§ 4. The said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the board of supervisors in said county to cause the said plat and report to be recorded in their office.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

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In force Feb. 11, AN ACT to relocate parts of state roads and view and locate another therein mentioned.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Joseph O. Glover, Milton H. Swift and Lucien P. Sanger, or a majority of them, be and they are hereby authorized to relocate the state road leading from the west end of Madison street, in the town of Ottawa, in the county of LaSalle, west, to the centre of section ten, township thirty-three north, of range three east—the same to be relocated on the north side of the quarter section lines—and to view, survey and locate a public road from thence to the street or public highway on the north side of section sixteen, in the same township and range, between lots three and four, in said section. The said roads shall be relocated and laid out one hundred feet wide.*

§ 2. The said commissioners, or a majority of them, shall also have power to relocate the public road leading from Ottawa to Troy Grove, ordered to be surveyed, reviewed and reported on by the county commissioners' court of said La Salle county, on the 1st day of September, 1834, and established by said court on the 11th day of March, A. D. 1835, so as to make said road follow the line of the road and street in the first section mentioned, and cross the Illinois and Michigan canal, in a northerly and southerly direction, at the centre, east and west, of said section ten: *Provided*, that the relocation of said road shall in no wise impair the right of the people or any person or persons to compel the erection of a bridge over said canal by the trustees of the same, as now required by law, at the point where the same shall intersect said canal, as relocated under this act; and the relocation of said road under this act shall have the same force and effect, in all respects whatever, in all courts and proceedings, as if the same had been originally located at the place where the same shall have been located under this act.

§ 3. The said commissioners, or a majority of them, shall meet on the second Monday in April next, at 10 o'clock A. M., at the office of the said Milton H. Swift, in Ottawa, and take an oath before some justice of the peace, or other person authorized to administer oaths, well and faithfully to perform the duties required of them by this act, and proceed to the performance of such duties. In case the said commissioners shall not meet on that day they may meet at any other time and perform the said duties.

§ 4. The said commissioners shall make out a plat or plats of said road as located and relocated under this act, certify to the same, and file them with the county clerk of said county, who shall record the same on the records of the proceedings of the board of supervisors of said county; which record, or a certified copy of the same by the said clerk, shall be evidence, in all courts and proceedings, of the location and relocation of said roads. The said commissioners shall also assess the damages, if any, that any and all persons may sustain by reason of the location or relocation of such roads, and report the same as above.

§ 5. This act shall be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 12,  
1853.

AN ACT to confirm the late survey of the town plat herein named.

Survey confirmed

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the late survey of the town of Mt. Carroll, in the county of Carroll, made by Elijah Funk during the summer of the year A. D. 1852, be and the same is hereby confirmed, and a plat thereof, when duly acknowledged and recorded, shall be deemed valid as the original survey of said town.

Survey vacated.

§ 2. That the former survey, made by Warner, in the year A. D. 1843, be and the same is hereby vacated. This act to take effect from and after the passage of this bill.

APPROVED February 12, 1853.

In force Feb. 12,  
1853.

AN ACT to establish certain roads therein named.

State road located.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a state road be located in the county of Adams, sixty-six feet in width, commencing on the south line of the north half of the southwest quarter of section thirty-five, in township one, south of the base line, and in range nine, west of the fourth principal meridian, at the centre of the north end of Front street, in the city of Quincy, and running thence northwesterly in a direct line to the northwest corner of the said half quarter section of land—one half of the width of said road to be located on each side of said line: *Provided,* that the Northern Cross Railroad Company shall have the right to construct and use their railroad on, over and along said road, with as many tracks, side tracks and turn-outs as convenience in the transaction of their business may require.

Proviso.

Commissioners.

§ 2. That Thomas Killian and Thomas Taylor, sen., of the county of Adams, and Henry Brinneman, of the county of Hancock, be and they are hereby appointed commissioners to view, mark out, survey and locate a state road, the usual width of other state roads, from Lima, in the said county of Adams, to Chili, in the said county of Hancock, commencing on the Main street in the said town of Lima, running thence, on the nearest and most eligible route, to Woodville, in the said county of Adams, and thence to the said town of Chili.

To meet.

§ 3. Said commissioners, or a majority of them, shall meet at the town of Lima aforesaid, at any time within six months after the passage of this act, and shall proceed to locate the said state road from Lima to Chili in the second

section of this act provided for; and for that purpose they shall be authorized to employ one surveyor, two chainmen, one axeman, and such other persons as may be deemed necessary; and shall be and are hereby vested with full power and authority to do and perform all such acts and things as may be required for the location and establishment of said road. When located they shall make out their report in writing, accompanied by the surveyor's plat of said road, and shall file a copy thereof with each of the clerks of the county courts of Adams and Hancock counties, who shall enter the same of record in their respective offices; and said state road shall thereafter be worked and kept in repair as other state roads.

Employ surveyor  
and others.

Make report and  
file copy.

Kept in repair.

§ 4. Should any damage be claimed by any person or persons, in consequence of said road passing over his, her or their lands, the same shall be assessed in the manner now provided by law, and each of the said counties of Adams and Hancock shall pay said damage, in proportion to the length of said road in each of said counties respectively.

Damage assessed.

§ 5. Said commissioners shall be allowed for their services in the location of said road, each one dollar and fifty cents per day, said surveyor two dollars per day, and said chainmen, axemen, and other persons employed, each one dollar per day; to be paid by the counties of Adams and Hancock respectively, in proportion to the length of said road in each of said counties; the said commissioners first certifying to the county courts of said counties the number of days themselves and others were engaged in locating said road, and such other expenses as they may have reasonably incurred in the location of said road; which shall also be paid as aforesaid.

Compensation.

To be paid by  
Adams and Han-  
cock counties.

§ 6. That a state road shall be and is hereby established in the county of Adams, commencing where Main street, in the city of Quincy, in said county, terminates, at the eastern line of said city, running thence east, parallel with the lines of said Main street, on the present highway used as a road, to the angle of said road, east of Mission Institute, or East Quincy, commonly so called; thence north on said road to a point in the centre of the road at present used as a highway, running east and west in front of the residence of I. N. Morris; thence east on said road 117.80 chs., S. 79°, E. 250 chs., east 9 chs., N. 75°, E. 1.85 chs., E. 50 chs., to qr. sec. corner on south line sec. 33, T. 1 S., 8 west, 4th principal meridian; north, along the legal subdivision line between the S. E. and S. W. quarter sections of said section, to the centre corner of said section; north, on a compromise line between the lands of John Sharp and Arthur Parvin, to the north line of said section; W. 75 links, to the original qr. sec. corner; north 10.00 chs., to a point 1.00 chs. N. of Berriam's N. E. corner; N. 57° 12',

State road estab-  
lished.



east 21.46 chs. to a white oak 22 inches in diameter, north  $44^{\circ} 53'$ , E. 27.83 chs., N.  $78^{\circ} 10'$ , E. 0.00 chs. to a white oak, 22 inches in diameter, from which a white oak, 12 inches, bears S. 64, E. 81 links, N.  $80^{\circ}$ , cost 25.00 chs., D. W. 0.18 inches, N.  $68^{\circ}$ , E. 20.75 chs., a forked white oak, each fork 12 inches in diameter, N.  $53^{\circ}$ , E. 15 chs., a white oak, 18 inches in diameter, and a horse bears N.  $57\frac{1}{2}^{\circ}$  E., N.  $86\frac{1}{2}^{\circ}$  E., at 1 ch., a creek 5 links wide, at 7.87 chs., a black oak 20 inches, from which a white oak 18 inches in diameter bears N.  $22\frac{1}{2}^{\circ}$ , W. 114 links, N.  $71\frac{1}{4}^{\circ}$ , E. 10.00 chs., a white oak 16 inches bears S.  $24^{\circ}$ , E. 67 links, N.  $78.55^{\circ}$ , E. 14.50 chs., a white oak 12 inches diameter bears N.  $44^{\circ}$ , W. 139 links, N.  $58^{\circ} 50'$ , E. 18.58 chs. to qr. sec. corner on N. line of section 26, east 16.00 chs., S.  $60^{\circ}$ , E. 4.45 chs., N.  $75\frac{1}{2}^{\circ}$ , E. 17.00 chs., S.  $62^{\circ}$ , E. 4.50 chs., to N. E. corner of section 26, in said township 1 S., range 8, W. of the 4th principal meridian; and thence, following the old survey, to the bridge on Big Mill creek. Said state road, commencing at the aforesaid point opposite the residence of I. N. Morris, shall be and is hereby continued west on the highway now used to the range line between townships eight and nine, west of the fourth principal meridian, in the said county of Adams: *Provided*, nothing herein contained shall so operate or be so construed as to alter or change from its present limits, and as at present used, the said road herein provided for from the point where the same commences at the termination of Main street, in the city of Quincy, until it reaches a point in said road as far east as the east line of the southwest quarter of section thirty-one, in township one south, of range eight, west of the fourth principal meridian, east of the aforesaid point in the centre of the road running east and west in front of the residence of I. N. Morris; it being the object and intention of this act to confirm and establish said road as at present used as a state road, and to confirm and establish as a part thereof the road as at present used, running west of the residence of said Morris, until it strikes the range line between townships eight and nine west aforesaid.

Commissioners.

§ 7. William Shanahan, Henry Newton and James M. Seehorn, or a majority of them, are hereby appointed special commissioners to lay out and open so much of said road as lies east of the southwest quarter of section thirty-one, in township one south, of range eight, west of the fourth principal meridian, in the county of Adams; and should they, or a majority of them, be of the opinion that the public convenience would be promoted thereby, they shall have the power to change the direction of said road east of said southwest quarter of section thirty-one, one south, eight west. Said commissioners, in opening said road, or so much thereof as they are required to open, shall cause

Power to change  
direction.

the same to be laid out the usual width of other state roads; and shall meet to perform the duty herein required of them at any time within three months after the passage of this act; and shall be vested with full power and authority to employ a surveyor and such other person or persons as they may deem necessary to lay out, establish and open said road, who, together with themselves, shall receive the usual compensation allowed to persons employed in similar service; to be paid by the county of Adams.

Employ surveyor

Compensation to  
be paid by  
Adams county.

§ 8. Should any damage be claimed by any person or persons, in consequence of said road passing over his, her or their lands, the same shall be assessed and paid in the manner provided by law: *Provided*, no damage has heretofore been paid: *And provided further*, that as soon as said damage may be assessed, and the amount thereof tendered to the party or parties to whom the same is going, it shall be the duty of the said commissioners to forthwith open said road: *And provided further*, that either party may appeal to the circuit court in the same manner as is now allowed by law, except in this, that said appeal shall not obstruct, hinder or delay the opening of said road as required by this section.

Damages.

Proviso.

Appeal.

§ 9. Said commissioners, Shanahan, Newton and Seehorn, shall make out a report of their actings and doings in the premises, and file the same, together with a plat of the survey of said road, with the clerk of the county court of Adams county, who shall enter the same on record; and said road shall thereafter be worked and kept in repair as other state roads.

Make report and  
file with clerk.

§ 10. That Joseph V. Thompson, R. E. Heacock and Stephen M. Clark, be and are hereby appointed commissioners to view, mark and locate a state road from Henry, in Marshall county, to the town of Weathersfield, in Henry county, commencing at the northeast corner of out-lot No. 13, in the town of Henry; thence to the northeast corner of the southeast quarter of section No. 8, in township No. 13 north, of range No. 10 east; thence on a straight line to a point 40 rods due west of the northeast corner of section No. 36, in township No. 14 north, of range No. 9 east; and thence on, or as near as practicable, a straight line to the southwest corner of the northeast quarter of section 6, in township No. 14 north, of range No. 8 east; and from thence, as near as the ground will admit, on a straight line, to the town of Weathersfield, in Henry county.

Commissioners.

§ 11. That George T. Bell, John Ramsey and Thomas Patterson, be and they are hereby appointed commissioners to view and locate a state road from the town of Lacon, on the nearest and most practical route, via the head of Crow creek, to the Illinois Central Railroad, in the county of Woodford, having due regard to private property.

Commissioners.

To meet.

§ 12. Said commissioners named in said two preceding sections shall meet at some place in the county of Marshall, on or before the first of July next, at some point to be designated by them, and take an oath before some justice of the peace of the said county of Marshall faithfully to perform the duties required of them by the two preceding sections of this act.

Take oath.

To make plats.

§ 13. When said commissioners shall have viewed the said route for said roads they shall proceed to have the same surveyed and marked out, and shall also cause plats of the same to be made, and deposite one of the same with each of the clerks of the county courts of the counties through which said road may pass, and said county clerks shall record said plats.

Declared state roads.

§ 14. Said roads, when so laid out, shall be and the same are hereby declared state roads, and shall be opened four rods wide, and kept in repair as other state roads; and it is hereby made the duty of the road commissioners or supervisors of the respective counties to proceed immediately to open and keep the same in repair.

Commissioners.

§ 15. That Richard Gray, James E. Downing and Hiram Boyle, or a majority of them, be and they are hereby appointed commissioners to relocate so much of the state road leading from Quincy to Rushville as is obstructed by the Northern Cross Railroad, commencing at the northwest corner of the northeast quarter of section thirty-four, in the town of Honey creek; thence east, on the most direct and possible route, to Garrett's Mill, in the town of Camp Point; thence east, on the most direct route, to the village of Clayton.

To meet.

§ 16. That said commissioners, or a majority of them, shall meet on or before the first day of August next, after the passage of this bill, at the village of Clayton, and take an oath before some justice of the peace of Adams county well and truly to perform the duties required of them by this act.

Take oath.

To make plat.

§ 17. When said commissioners, or a majority of them, shall have viewed the said ground and relocated said road, it shall be their duty to make out, or cause to be made out, a plat of the road so relocated, and lay said plat before the board of supervisors of the county of Adams, as soon as practicable after the completion of the same; and the road so relocated is hereby declared a state road, and shall be opened and kept in repair as other state roads.

Declared state road.

Plat to be evidence.

§ 18. That said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the board of supervisors of Adams county to record such plat in the records of their office.

Employ surveyor.

§ 19. Said commissioners shall have power to employ a surveyor and such other persons as they may deem ne-

cessary in and about the location of said road; and each shall be allowed for their services one dollar and fifty cents per day; said surveyor two dollars per day; and such other persons as said commissioners may employ, each one dollar per day; to be paid by the counties through which said road passes.

§ 20. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT requiring the towns in Kane county to support their own paupers. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the several townships in the county of Kane be and they hereby are empowered and required to support all paupers residing within their respective limits, out of the treasury thereof.

Townships to support their own paupers.

§ 2. That the overseer of the poor of the townships aforesaid shall take charge of, maintain and support the poor of their respective townships in manner as is now or hereafter may be provided by law, and all expenses incurred for such maintenance and support, shall be considered a township charge, and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular annual meeting thereof, a true account of all expenditures incurred under the provisions of this act, which shall be audited and paid as other township charges are audited and paid.

Duty of overseer of the poor.

Township charge

§ 3. If any person shall become chargeable in any township of said county in which he or she did not reside at the commencement of the thirty days immediately preceding his or her becoming so chargeable, he or she shall be taken care of by the overseers of the poor of such township; and if such poor person was a resident of any other township of said county, within the thirty days aforesaid, then the overseer of the poor of the township having such poor person in charge, shall give notice to the overseer of the poor where such pauper resided as aforesaid, stating that such pauper became chargeable as a pauper, and requesting said overseer to remove said pauper forthwith, and pay the expenses incurred in taking care of him or her.

Residents of other townships.

Notice.

§ 4. That the provisions of sections fourteen, fifteen and sixteen of chapter eighty of the Revised Statutes, entitled "Paupers," shall apply to and operate, as between the several townships of said counties, in the same manner as

Revised Statutes, entitled "Paupers" to apply in certain cases.

they do between the several counties of this state. And if any person shall become chargeable in any township of said county, who did not reside in said county at the commencement of the thirty days as aforesaid, then the overseer of the poor having such pauper in charge, shall give notice thereof to the authorities of the proper county, as in other cases. And the expenses of taking care of such pauper, when received from such foreign county, shall be paid into the treasury of the proper township.

Expense.

Submitted to the legal voters.

Notice.

Votes canvassed.

Certificate of judges and clerk.

§ 5. That at the annual town meeting held in said county next after the passage of this act, the legal voters of said county may vote upon the question whether this act shall become a law or not; which said question shall be submitted to be voted upon in the following manner, viz: In giving notice of the annual town meeting in said county, it shall be the duty of the town clerk to state in said notice that said question will be submitted to a vote at such meeting, and at said town meeting said question be voted upon by ballot, either written or printed, "For county support," "For township support;" which said votes shall be canvassed and entered upon the minutes by the town clerk in the same manner as other votes cast at said town meeting, and the town clerks of the several towns, within twenty days after said town meetings, shall make out and transmit to the clerk of the county court of said county a certificate of the said judges and clerks of said elections, showing the whole number of votes given at said town meetings upon said question; and if it shall appear that a majority of all the votes cast are in favor of or for township support, then the foregoing provisions of this act, in relation to the support of paupers, shall be in force in said county, otherwise not.

§ 6. This act to take effect immediately.

APPROVED February 11, 1853.

In force Feb. 10,  
1853.

AN ACT to provide for the support of paupers in Kane county.

Townships to support their own paupers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the several townships in the county of Kane be and they hereby are empowered and required to support all paupers residing within their respective limits, out of the treasury thereof.

Duty of overseers of the poor.

§ 2. That the overseers of the poor of the townships aforesaid shall take charge of, maintain and support the poor of their respective townships in manner as is now or may hereafter be provided by law, and all expense incurred for such maintenance and support, shall be con-

Township charge.



sidered a township charge; and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular annual meeting thereof, a true account of all expenditures incurred under the provisions of this act, which shall be audited and paid as other township charges are audited and paid.

§ 3. If any person shall become chargeable in any township of said county in which he or she did not reside at the commencement of the thirty days immediately preceding his or her becoming so chargeable, he or she shall be taken care of by the overseer of the poor of such township, and if such poor person was a resident of any other township of said county within the thirty days aforesaid, then the overseer of the poor of the township having such poor person in charge shall give notice to the overseer of the poor where such pauper resides as aforesaid, stating that such poor person became chargeable as a pauper, and requesting said overseer to remove said pauper forthwith, and pay the expenses incurred in taking care of him or her.

Residents of other townships.

§ 4. That the provisions of sections fourteen, fifteen and sixteen of chapter eighty of the Revised Statutes, entitled "Paupers," shall apply to and operate, as between the several townships of said county, in the same manner as they do between the several counties of this state; and if any person becomes chargeable in any township of said county who did not reside in said county at the commencement of the thirty days as aforesaid, then the overseers of the poor having such pauper in charge, shall give notice thereof to the authorities of the proper county, as in other cases, and the expenses of taking care of such paupers, when received from such foreign county, shall be paid into the treasury of the proper township.

Revised Statutes entitled "Paupers," to apply in certain cases.

APPROVED February 10, 1853.

AN ACT to provide for annexing certain towns in Cook county to the county of Kane. In force Feb. 12, 1853.

Whereas a majority of the voters living in the territory comprising the towns of Hanover, Barrington, Palatine and Schaumburg, of the county of Cook, have petitioned to be detached from said county and added to the county of Kane; therefore,

Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That that part of Cook county now known as constituting the towns of Hanover, Barrington, Palatine and Schaumburg, be stricken from Cook county and annexed to the county of Kane: Provided, that at the annual town meetings to be*

Territory stricken from Cook and annexed to Kane county.

Provided.

held on the first Tuesday of April next in the several towns of said counties the question be submitted to vote—in the county of Cook to vote for or against striking off said four towns from Cook county, and in the county of Kane to vote for or against annexing said four towns to Kane county: *Provided further*, that at said election a majority of all the legal voters of said county of Cook voting on the question shall be in favor of striking off said four towns from Cook county, and a majority of the voters of said Kane county are in favor of adding the said four towns to Kane county.

§ 2. The voting upon said question shall be by ballot, and the votes shall be received and canvassed in the same manner as is required for voting for town officers in article fifth of the township organization, [law] approved February seventeenth, 1851. And it shall be the duty of the presiding officer and clerk of the town meeting of each and every town in said Cook and Kane counties to make returns and certify the result of the vote upon said question in their town to the clerk of the county court in their county, in the same time and manner, as near as the case will admit, as is required by section nineteen in the act entitled “An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes,” approved February 12, 1851.

§ 3. The clerk of the county court of Cook county, immediately after ascertaining the result of said election in his county, shall make a certificate thereof, under his official seal, and transmit the same to the clerk of the county court of Kane county, and the latter shall enter the same upon the records of his court; and the clerk of the county court of Kane county shall, in like manner, make a certificate of the result of the said election in Kane county, and transmit the same to the clerk of the county court of Cook county, who shall enter the same upon the records of his court; and at the next term of each of said courts after said election the clerks thereof shall enter upon their respective records the result of said election in their county.

§ 4. This act shall be in force from and after its passage; and immediately thereafter a certified copy thereof shall be transmitted by the secretary of state to the clerk of the county court of each of said counties of Cook and Kane.

APPROVED February 12, 1853.

Provided further.

Vote by ballot.

Duty of presiding officer and clerk.

Clerk of county court to make certificate.

To be in force.

Secretary of state

AN ACT to authorize the county court of Fayette county to subscribe stock in a certain road therein named. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Fayette county is hereby authorized to subscribe to the stock of the Okaw Bottom Plank Road Company to any amount not exceeding ten thousand dollars; and such county shall be subject to all the liabilities and have all the rights of a stockholder, as provided by law. County court authorized to subscribe stock.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 8, 1853.

AN ACT authorizing the city of Belleville to issue bonds.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the mayor and aldermen of the city of Belleville shall issue bonds, from time to time, of one hundred dollars each, which, in all, shall not exceed fifty thousand dollars. Said bonds shall bear an interest not exceeding ten per cent. per annum, payable on or before the expiration of thirty years from the time they are issued, and be signed by the mayor and countersigned by the secretary or clerk of the board of aldermen. The said bonds may be sold in any market, but not below par, and the proceeds of the sales of said bonds shall be appropriated by said board to improve the city of Belleville, and to erect a market house and other public buildings in said city. Issue bonds.  
Rate of interest.

§ 2. The tax that may hereafter be collected in the city of Belleville, all the public property of said city, and the faith and credit of said city, are hereby pledged and made accountable for the perpetual payment of said bonds, and interest thereon; which interest shall be paid annually in the city of Belleville. Proceeds of tax pledged to pay interest.

§ 3. The mayor and aldermen of the city of Belleville are hereby authorized and empowered to purchase and hold, for the use of said city, a lot or lots of ground whereon to erect a market house and other public buildings, for the convenience of said city. Authorized to purchase grounds to erect buildings

§ 4. This act shall be submitted to the legal voters of the incorporated limits of the city of Belleville, at the next election for mayor and aldermen, for their approval or re- Submitted to voters for approval

jection. The votes shall be counted, as in other elections; the votes given for or against this act shall be recorded by the board, and if a majority be for it, this act shall take effect and be in force from and after its passage.

APPROVED February 10, 1853.

## JOINT RESOLUTIONS.

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### JOINT RESOLUTION of condolence with General Pierce.

*Resolved by the House of Representatives, the Senate concurring herein,* That the two houses of the general assembly of the state of Illinois, now in session at the seat of government in Springfield, have learned, with the deepest regret, the unfortunate accident which has recently happened to General Pierce, the president elect of the United States, and his family, as they were traveling on the Boston and Maine Railroad. While we sincerely sympathize with him and his lady in their great and afflicting bereavement, we, at the same time, return our sincere thanks to an All-wise Providence for his safety, and that his life has been preserved for future usefulness in the performance of important duties soon to devolve upon him as the president of this great nation.

*Resolved, second,* That the governor be requested, as soon as practicable, to transmit to General Pierce and lady a copy of these resolutions, signed by the speakers of both houses, and certified by the clerks thereof.

APPROVED January 21, 1853.

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JOINT RESOLUTION in reference to paying members and officers of the legislature.

*Resolved by the House of Representatives, the Senate concurring herein,* That the auditor of state be and he is hereby authorized and directed to draw an order upon the treasurer of the state for the sum of fifty dollars, to be by him paid to each of the members of the senate and house of representatives of the general assembly, and also to the secretary and assistant secretary, the enrolling and en-



grossing clerk and assistant clerk, the sergeant-at-arms and assistant of the senate, the clerk and assistant clerk, the engrossing and enrolling clerk and assistant clerk, the door-keeper and assistant door-keeper of the house.

APPROVED January 21, 1853.

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DEPARTMENT OF STATE,

*Springfield, Illinois, April 16, 1853.*

I, ALEXANDER STARNE, Secretary of State of the said state of Illinois, do hereby certify that the foregoing (except the words printed in brackets, thus [ ], which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws of a general nature, and joint resolutions, on file in my office.

In testimony whereof, I have hereunto set my hand, on the day and year aforesaid.

ALEXANDER STARNE,

*Secretary of State.*

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